



Western States Petroleum Association  
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**Catherine H. Reheis-Boyd**  
President

May 8, 2013

Via email: [mhorowitz@dir.ca.gov](mailto:mhorowitz@dir.ca.gov)

Mr. Mike Horowitz  
Department of Industrial Relations  
Division of Occupational Safety and Health  
1515 Clay Street, Suite 1901  
Oakland, Ca. 94612

**RE:** Draft California Regulations: Globally Harmonized System Update (General Industry Safety Orders; Chapter 4, subchapter 7, Section 5194, Hazard Communication update regarding GHS)

Dear Mr. Horowitz:

The Western States Petroleum Association (WSPA) is a trade group that represents 27 companies that explore for, produce, refine, market and transport petroleum and petroleum products in the Western United States. Many of our members have extensive facilities in California and are therefore directly affected by the proposed Globally Harmonized System (GHS) concepts that could, in the future, become the basis for future regulatory proposals.

WSPA members have an interest in this topic because facility owners and operators not only prepare Safety Data Sheets (SDS) for the materials produced in their refineries and upstream production facilities, but some of them also produce products such as lubricants and hydrocarbon solvents and provide SDSs to their customers throughout the United States and the world.

WSPA supports the goal of a Globally Harmonized System (GHS) of hazard communication. We urge the Occupational Safety and Standards Board (DOSH) to adopt OSHA's Hazard Communication Standard (HCS) as much as possible. As you may recall, WSPA previously was a signatory to a letter along with a coalition of other affected industries that expressed our concerns to DOSH.

In that letter WSPA and others noted several issues with the proposed California modifications to HCS and we continue to support those comments. The modifications to OSHA HCS that are of greatest

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concern are: 1) the use of source lists to define hazard classifications; and 2) continuing to use the “one positive study” language from the previous version of HCS.

### Use of Source Lists to Define Hazard Classification

With regard to the source lists, with the exception of carcinogens, they do not clearly specify the hazard(s) that lead to the substance being placed on the list, or whether the severity of those hazards (when evaluated with current data and current methods) would result in a classification according to GHS and HCS procedures. If the intent is to override the HCS and GHS procedures and derive a different classification for California as opposed to the other 49 states, then this will require a California manufacturer to send out a separate and different SDS to the California customer as opposed to the 49 state customers.

Sending multiple different SDS to different customers does not achieve the goal of harmonized hazard communication procedures for workers. Again, we urge DOSH not to use lists to define hazard classifications, but instead use the procedures outlined in the HCS.

### Use of “One Positive Study”

With regard to the legacy HCS language regarding “one positive study conducted in accordance with established scientific principals”, OSHA makes it clear that a single positive study may justify classification. The additional requirements under consideration for the California regulations to essentially note on the SDS each statistically significant finding regarding a potential health effect, is difficult to interpret and not necessary.

OSHA’s HCS guidance for SDS (1900.1200 Appendix D) already directs authors of SDS to include in Section 11 (Toxicology):

“Description of the various toxicological (health) effects and the available data used to identify those effects, including:

- (a) Information on the likely routes of exposure (inhalation, ingestion, skin and eye contact);
- (b) Symptoms related to the physical, chemical and toxicological characteristics;
- (c) Delayed and immediate effects and also chronic effects from short- and long-term exposure;
- (d) Numerical measures of toxicity (such as acute toxicity estimates);
- (e) Whether the hazardous chemical is listed in the National Toxicology Program (NTP) Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest edition), or by OSHA.”

While we understand DOSH’s concern that key health effects findings not be excluded from SDSs, the “one positive study criteria” under consideration will lead to less-harmonized hazard communication efforts.

We thank you for the opportunity to comment on the language and concepts under consideration for the soon to be proposed California regulations on this important topic. Should you have any questions, feel free to call me or Mr. Mike Wang of my Staff ([mike@wspa.org](mailto:mike@wspa.org); cell: 626-590-4905).

Best Regards,

A handwritten signature in blue ink that reads "Cathy A. Boyd". The signature is fluid and cursive, with the first name "Cathy" being the most prominent.