

# REGULAR

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

ENDORSED FILED  
IN THE OFFICE OF

2014 MAY -5 PM 2:09

STD. 400 (REV. 01-2013)	NOTICE FILE NUMBER <b>Z-2013-0819-01</b>	REGULATORY ACTION NUMBER <b>2014-0321-115</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only	
RECEIVED FOR FILING PUBLICATION DATE  AUG 19 '13      AUG 30 '13  Office of Administrative Law	2014 MAR 21 PM 3:35  OFFICE OF ADMINISTRATIVE LAW
NOTICE	REGULATIONS

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY <b>Occupational Safety and Health Standards Board</b>	AGENCY FILE NUMBER (if any)
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### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE <b>CSO 1520, GSO 3384, see attached</b>	TITLE(S) <b>Title 8</b>	FIRST SECTION AFFECTED <b>1520</b>	2. REQUESTED PUBLICATION DATE <b>August 30, 2013</b>
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON <b>Marley Hart, Executive Officer</b>	TELEPHONE NUMBER <b>(916)-274-5721</b>	FAX NUMBER (Optional) <b>(916)-274-5743</b>
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER <b>2013, 352</b>	PUBLICATION DATE <b>8/30/2013</b>

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) <b>Federal Final Rule, Globally Harmonized System - Update to Hazard Comm. (Health)</b>	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND <b>Please see attached B., Item 2.</b>
	REPEAL
TITLE(S) <b>8</b>	

3. TYPE OF FILING	<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
	<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
	<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)	<b>January 23, 2014 - February 10, 2014</b>
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5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)	<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <b>May 6, 2014</b>
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY	<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
	<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON <b>Marley Hart</b>	TELEPHONE NUMBER <b>916.274.5721</b>	FAX NUMBER (Optional) <b>916.274.5743</b>	E-MAIL ADDRESS (Optional) <b>mhart@dir.ca.gov</b>
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Marley Hart</i>	DATE <b>3/20/14</b>
TYPED NAME AND TITLE OF SIGNATORY <b>Marley Hart, Executive Officer</b>	

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**ENDORSED APPROVED**

**MAY 05 2014**

Office of Administrative Law

**B. Submission of Regulations – Continued**

**Item 2. Continued**

**Amend: Sections 1529, Appendix K to 1529, 1532, 1532.1, Appendix B to 1532.1, 1532.2, 1535, 3204, 5150, 5157, 5161, 5189, 5190, 5191, 5192, Appendix A to 5192, 5194, Appendices A through G of 5194, 5197, 5198, Appendix B to 5198, 5200, 5201, 5202, Appendix A to 5202, 5206, 5207, 5208, Appendix J to 5208, 5208.1, 5209, 5210, 5211, 5212, Appendix B to 5212, 5213, 5214, 5215, 5217, Appendix A to 5217, 5218, 5219, 5220, 8358, Appendix K to 8358, and 8359.**

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

PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

Subchapter 4. Construction Safety Orders  
Article 4. Dusts, Fumes, Mists, Vapors, and Gases

Amend Section 1529 as follows:

§ 1529. Asbestos.

\*\*\*\*\*

(k) \* \* \*

(1) Hazard communication.

(A) This section applies to the communication of information concerning asbestos hazards in construction activities to facilitate compliance with this standard. Most asbestos-related construction activities involve previously installed building materials. Building owners often are the only and/or best sources of information concerning them. Therefore, they, along with employers of potentially exposed employees, are assigned specific information conveying and retention duties under this section. Installed Asbestos Containing Building Material. Employers and building owners shall identify TSI and sprayed or troweled on surfacing materials in buildings as asbestos-containing, unless they determine in compliance with subsection (k)(5) of this section that the material is not asbestos-containing. Asphalt and vinyl flooring material installed no later than 1980 must also be considered as asbestos containing unless the employer, pursuant to subsection (g)(8)(A)9. of this section determines that it is not asbestos-containing. If the employer/building owner has actual knowledge, or should have known through the exercise of due diligence, that other materials are asbestos-containing, they too must be treated as such. When communicating information to employees pursuant to this standard, owners and employers shall identify "PACM" as ACM. Additional requirements relating to communication of asbestos work on multi-employer worksites are set out in subsection (d) of this section.

(B) The employer shall include asbestos in the program established to comply with the Hazard Communication Standard (HCS) (Section 5194). The employer shall ensure that each employee has access to labels on containers of asbestos and safety data sheets, and is trained in accordance with the provisions of HCS and subsections (k)(9) and (10) of this section. The employer shall provide information on at least the following hazards: Cancer and lung effects. ~~Installed Asbestos Containing Building Material. Employers and building owners shall identify TSI and sprayed or troweled on surfacing materials in buildings as asbestos containing, unless they determine in compliance with subsection (k)(5) of this section that the material is not asbestos containing. Asphalt and vinyl flooring material installed no later than 1980 must also be considered as asbestos containing unless the employer, pursuant to subsection (g)(8)(A)9. of this section determines that it is not asbestos containing. If the employer/building owner has actual knowledge, or should have known through the exercise of due diligence, that other materials are asbestos containing, they too must be treated as such. When communicating information to employees pursuant to this standard, owners and employers shall identify "PACM" as ACM. Additional requirements relating to communication of asbestos work on multi-employer worksites are set out in subsection (d) of this section.~~

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

PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

\*\*\*\*\*

(7) Signs.

\*\*\*\*\*

(B) 1. The warning signs required by subsection (k)(7) of this section shall bear the following information:

DANGER  
ASBESTOS  
MAY CAUSE CANCER  
CAUSES DAMAGE TO LUNGS  
AUTHORIZED PERSONNEL ONLY

2. In addition, where the use of respirators and protective clothing is required in the regulated area under this section, the warning signs shall include the following:

WEAR RESPIRATORY PROTECTION AND PROTECTIVE CLOTHING IN THIS AREA

3. Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (k)(7)(B)1. of this section:

DANGER  
ASBESTOS  
CANCER AND LUNG DISEASE HAZARD  
AUTHORIZED PERSONNEL ONLY

4. Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (k)(7)(B)2. of this section:

RESPIRATORS AND PROTECTIVE CLOTHING  
ARE REQUIRED IN THIS AREA

\*\*\*\*\*

(8) Labels.

\*\*\*\*\*

(B) The employer shall ensure that such labels comply with subsection (k) of this section.

(C) The employer shall ensure that labels of bags or containers of protective clothing and equipment, scrap, waste, and debris containing asbestos fibers bear the following information:

DANGER  
CONTAINS ASBESTOS FIBERS  
MAY CAUSE CANCER  
CAUSES DAMAGE TO LUNGS  
DO NOT BREATHE DUST  
AVOID CREATING DUST

(D)1. Prior to June 1, 2015, employers may include the following information on raw materials, mixtures or labels of bags or containers of protective clothing and equipment, scrap, waste, and debris containing asbestos fibers in lieu of the labeling requirements in subsections (k)(8)(B) and (k)(8)(C) of this section:

DANGER  
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST

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

PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

CANCER AND LUNG DISEASE HAZARD

2. Labels shall contain a warning statement against breathing asbestos fibers.

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 6501.5, 9020, 9021.5, 9021.9, 9030 and 9040, Labor Code. Reference: Sections 142.3, 6501.5, 6501.7, 6501.8, 6501.9, 6502, 9003, 9004(b), 9005, 9006, 9009, 9020, 9021.5, 9021.9, 9030 and 9040, Labor Code; Section 25910, Health and Safety Code; and Sections 7180, 7180.5, 7181, 7182, 7183, 7183.5, 7184, 7185, 7187, 7189, 7189.5 and 7189.7, Business and Professions Code.

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Amend section 1529 Appendix K as follows:

Appendix K  
Polarized Light Microscopy of Asbestos  
Non-Mandatory

\*\*\*\*\*

3.1 Safety

\*\*\*\*\*

(e) Some of the solvents used, such as THF (tetrahydrofuran), are toxic and should only be handled in an appropriate fume hood and according to instructions given in the ~~Material~~ Safety Data Sheet (~~MSDS~~).

\*\*\*\*\*

NOTE: Authority cited: Section 142.3. Labor Code. Reference: Section 142.3, Labor Code.

Amend Section 1532 as follows:

§ 1532. Cadmium.

\*\*\*\*\*

(d) Exposure Monitoring.

(1) General.

(A) Prior to the performance of any construction work where employees may be potentially exposed to cadmium, the employer shall establish the applicability of this standard by determining whether cadmium is present in the workplace and whether there is the possibility that employee exposures will be at or above the action level. The employer shall designate a competent person who shall make this determination. Investigation and material testing techniques shall be used, as appropriate, in the determination. Investigation shall include a review of relevant plans, past reports, ~~material~~ safety data sheets, and other available records, and consultations with the property owner and discussions with appropriate individuals and agencies.

\*\*\*\*\*

(i) \* \* \*

(2) \* \* \*

## CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

(D) The employer shall assure that containers of contaminated protective clothing and equipment that are to be taken out of the change rooms or the workplace for laundering, cleaning, maintenance or disposal shall bear labels in accordance with subsection (m)(3)(B) of this section.

\*\*\*\*\*

(k) \* \* \*

(7) Waste, scrap, debris, bags, containers, personal protective equipment, and clothing contaminated with cadmium and consigned for disposal shall be collected and disposed of in sealed impermeable bags or other closed, impermeable containers. These bags and containers shall be labeled in accordance with subsection (m)(3)(B) of this section.

\*\*\*\*\*

(m) Communication of Cadmium Hazards to Employees.

(1) Hazard communication. The employer shall include cadmium in the program established to comply with the Hazard Communication Standard (HCS) (Section 5194). The employer shall ensure that each employee has access to labels on containers of cadmium and safety data sheets, and is trained in accordance with the provisions of HCS and subsection (m)(4) of this section. The employer shall provide information on at least the following hazards: Cancer; lung effects; kidney effects; and acute toxicity effects.

(2) Warning Signs.

(A) Warning signs shall be provided and displayed in regulated areas. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.

(B) Warning signs required by subsection (m)(2)(A) shall bear the following legend:

DANGER  
CADMIUM  
MAY CAUSE CANCER  
CAUSES DAMAGE TO LUNGS AND KIDNEYS  
WEAR RESPIRATORY PROTECTION IN THIS AREA  
AUTHORIZED PERSONNEL ONLY

(C) The employer shall ensure that signs required by this subsection (m)(2) are illuminated, cleaned, and maintained as necessary so that the legend is readily visible.

(D) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (m)(2)(B) of this section:

DANGER  
CADMIUM  
CANCER HAZARD  
CAN CAUSE LUNG AND KIDNEY DISEASE  
AUTHORIZED PERSONNEL ONLY  
RESPIRATORS REQUIRED IN THIS AREA

(3) Warning Labels.

(A) Shipping and storage containers containing cadmium or cadmium compounds shall bear appropriate warning labels, as specified in subsection (m)(1).

PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

(B) The warning labels for containers of cadmium-contaminated protective clothing, equipment, waste, scrap, or debris shall include at least the following information:

DANGER  
CONTAINS CADMIUM  
MAY CAUSE CANCER  
CAUSES DAMAGE TO LUNGS AND KIDNEYS  
AVOID CREATING DUST

(C) Where feasible, installed cadmium products shall have a visible label or other indication that cadmium is present.

(D) Prior to June 1, 2015, employers may include the following information on shipping and storage containers containing cadmium, cadmium compounds, or cadmium-contaminated clothing, equipment, waste, scrap, or debris in lieu of the labeling requirements specified in subsections (m)(3)(A) and (m)(3)(B) of this section:

DANGER  
CONTAINS CADMIUM  
CANCER HAZARD  
AVOID CREATING DUST  
CAN CAUSE LUNG AND KIDNEY DISEASE

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.

Amend Section 1532.1 as follows:

§ 1532.1. Lead.

\*\*\*\*\*

(g) \* \* \*

(2) \* \* \*

(G) 1. The employer shall assure that the containers of contaminated protective clothing and equipment required by subsection (g)(2)(E) of this section are labeled as follows:

DANGER: CLOTHING AND EQUIPMENT CONTAMINATED WITH LEAD. MAY DAMAGE FERTILITY OR THE UNBORN CHILD. CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM. DO NOT EAT, DRINK OR SMOKE WHEN HANDLING. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

2. Prior to June 1, 2015, employers may include the following information on bags or containers of contaminated protective clothing and equipment required by subsection (g)(2)(E) in lieu of the labeling requirements in subsection (g)(2)(G)1 of this section:

Caution: Clothing contaminated with lead. Do not remove dust by blowing or shaking. Dispose of lead contaminated wash water in accordance with applicable local, state, or federal regulations.

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

**PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4**

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(l) Communication of hazards.

(1) General.

(A) Hazard communication. The employer shall include lead in the program established to comply with the Hazard Communication Standard (HCS) (Section 5194). The employer shall ensure that each employee has access to labels on containers of lead and safety data sheets, and is trained in accordance with the provisions of HCS and subsection (l) of this section. The employer shall ensure that at least the following hazards are addressed:

1. Reproductive/developmental toxicity;
2. Central nervous system effects;
3. Kidney effects;
4. Blood effects; and
5. Acute toxicity effects.

\*\*\*\*\*

(m) Signs.

(1) General.

(A) The employer shall post the following warning signs in each regulated area or work area where an employee's exposure to lead is above the PEL.

**DANGER  
LEAD WORK AREA  
MAY DAMAGE FERTILITY OR THE UNBORN CHILD  
CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM  
DO NOT EAT, DRINK OR SMOKE IN THIS AREA**

(B) The employer shall ensure that no statement appears on or near any sign required by this subsection (m) that contradicts or detracts from the meaning of the required sign.

(C) The employer shall ensure that signs required by this subsection (m) are illuminated and cleaned as necessary so that the legend is readily visible.

(D) The employer may use signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs required by this subsection (m).

(E) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (m)(1)(A) of this section:

**WARNING  
LEAD WORK AREA  
POISON  
NO SMOKING OR EATING**

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3 and 6717, Labor Code. Reference: Sections 142.3 and 6717, Labor Code.

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Appendix B to §1532.1 – Employee Standard Summary

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

PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

XI. Signs - Subsection (m)

The standard requires that the following warning sign be posted in each regulated area or work areas where the exposure to lead exceeds the PEL:

DANGER  
LEAD WORK AREA  
MAY DAMAGE FERTILITY OR THE UNBORN CHILD  
CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM  
DO NOT EAT, DRINK OR SMOKE IN THIS AREA

Prior to June 1, 2016, employers may use the following legend in lieu of that specified above:

WARNING  
LEAD WORK AREA  
POISON  
NO SMOKING OR EATING  
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Amend Section 1532.2 as follows:

§ 1532.2. Chromium (VI).

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(g) \* \* \*

(2) \* \* \*

(D) The employer shall ensure that bags or containers of contaminated protective clothing or equipment that are removed from change rooms for laundering, cleaning, maintenance, or disposal shall be labeled in accordance with the requirements of the Hazard Communication Standard, Section 5194.

\* \* \* \* \*

(j) \* \* \*

(1) Hazard communication. The employer shall include chromium (VI) in the program established to comply with the Hazard Communication Standard (HCS) (Section 5194). The employer shall ensure that each employee has access to labels on containers of chromium and safety data sheets, and is trained in accordance with the provisions of Section 5194 and subsection (j)(2) of this section. The employer shall provide information on at least the following hazards: Cancer; eye irritation; and skin sensitization.

\* \* \* \* \*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.

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

PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

Amend Section 1535 as follows:  
§ 1535. Methylenedianiline.

\*\*\*\*\*

(I) \* \* \*

(1) Hazard communication. The employer shall include Methylenedianiline (MDA) in the program established to comply with the Hazard Communication Standard (HCS) (Section 5194). The employer shall ensure that each employee has access to labels on containers of MDA and safety data sheets, and is trained in accordance with the provisions of HCS and subsection (I)(3) of this section. The employer shall ensure that at least the following hazards are addressed: Cancer; liver effects; and skin sensitization.

(2) Signs and labels.

(A) Signs.

1. The employer shall post and maintain legible signs demarcating regulated areas and entrances or access ways to regulated areas that bear the following legend:

DANGER  
MDA  
MAY CAUSE CANCER  
CAUSES DAMAGE TO THE LIVER  
RESPIRATORY PROTECTION AND PROTECTIVE CLOTHING  
MAY BE REQUIRED IN THIS AREA  
AUTHORIZED PERSONNEL ONLY

2. Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (I)(2)(A)1. of this section:

DANGER  
MDA  
MAY CAUSE CANCER  
LIVER TOXIN  
AUTHORIZED PERSONNEL ONLY  
RESPIRATORS AND PROTECTIVE CLOTHING  
MAY BE REQUIRED TO BE WORN IN THIS AREA

(B) Labels.

1. The employer shall ensure that labels or other appropriate forms of warning are provided for containers of MDA within the workplace. The labels shall comply with the requirements of section 5194(f) and shall include at least the following information for pure MDA and mixtures containing MDA:

DANGER  
CONTAINS MDA  
MAY CAUSE CANCER  
CAUSES DAMAGE TO THE LIVER

2. Prior to June 1, 2015, employers may include the following information workplace labels in lieu of the labeling requirements in subsection (I)(2)(B)1. of this section:

**STANDARDS PRESENTATION  
TO**

**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4**

a. For pure MDA:

**DANGER  
CONTAINS MDA  
MAY CAUSE CANCER  
LIVER TOXIN**

b. For mixtures containing MDA:

**DANGER  
CONTAINS MDA  
CONTAINS MATERIALS WHICH MAY CAUSE CANCER  
LIVER TOXIN**

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.

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

PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

Subchapter 7. General Industry Safety Orders

Amend Section 3204 as follows:

§3204. Access to Employee Exposure and Medical Records.

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(c) Definitions.

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(5) Employee Exposure Record. A record containing any of the following kinds of information concerning employee exposure to toxic substances or harmful physical agents:

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(C) ~~Material s~~ Safety data sheets indicating that the material may pose a hazard to human health; or

\*\*\*\*\*

(13) Toxic Substance or Harmful Physical Agent. Any chemical substance, biological agent (bacteria, virus, fungus, etc.), or physical stress (noise, heat, cold, vibration, repetitive motion, ionizing and non-ionizing radiation, hypo- or hyperbaric pressure, etc.) which:

\*\*\*\*\*

(D) Is the subject of a ~~material~~-safety data sheet kept by or known to the employer which indicates that the material may pose a hazard to human health.

\*\*\*\*\*

(d) Preservation of Records.

(1) Unless a specific occupational safety and health regulation provides a different period of time, each employer shall assure the preservation and retention of records as follows:

\*\*\*\*\*

(B) Employee Exposure Records. Each employee exposure record shall be preserved and maintained for at least thirty (30) years, except that:

\*\*\*\*\*

2. ~~Material s~~ Safety data sheets shall be retained as necessary to comply with the provisions of section 5194. Where ~~material~~-safety data sheets are destroyed, a record of the identity (chemical name if known) of the substance or agent, where it was used, and when it was used shall be retained for at least thirty years; and

\*\*\*\*\*

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

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

**PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4**

Subchapter 7. General Industry Safety Orders  
Group 16. Control of Hazardous Substances  
Article 107. Dusts, Fumes, Mists, Vapors and Gases

Amend Section 5150 as follows:

§ 5150. Ventilation and Personal Protective Equipment Requirements for Welding, Brazing and Cutting.

\*\*\*\*\*

(f) Hazard communication. The employer shall include the potentially hazardous materials employed in fluxes, coatings, coverings, and filler metals, all of which are potentially used in welding and cutting, or are released to the atmosphere during welding and cutting, in the program established to comply with the Hazard Communication Standard (Section 5194). The employer shall ensure that each employee has access to labels on containers of such materials and safety data sheets, and is trained in accordance with the provisions of Section 5194. Potentially hazardous materials shall include but not be limited to the materials listed in Articles 107, 109 and 110 of these Orders.

(1) Additional considerations for hazard communication in welding, cutting, and brazing.

(A) The suppliers shall determine and shall label in accordance with Section 5194 any hazards associated with the use of their materials in welding, cutting, and brazing.

(B) In addition to any requirements imposed by Section 5194, all filler metals and fusible granular materials shall carry the following notice, as a minimum, on tags, boxes, or other containers:

Do not use in areas without adequate ventilation. See ANSI Z49.1–1967 Safety in Welding, Cutting, and Allied Processes published by the American Welding Society.

(C) Where brazing (welding) filler metals contain cadmium in significant amounts, the labels shall indicate the hazards associated with cadmium including cancer, lung and kidney effects, and acute toxicity effects.

(D) Where brazing and gas welding fluxes contain fluorine compounds, the labels shall indicate the hazards associated with fluorine compounds including eye and respiratory tract effects.

(2) Prior to June 1, 2015, employers may include the following information on labels in lieu of the labeling requirements in subsection (f)(1)(~~v~~):

(A) All filler metals and fusible granular materials shall carry the following notice, as a minimum, on tags, boxes or other containers:

**CAUTION**

Welding may produce fumes and gases hazardous to health. Avoid breathing these fumes and gases. Use adequate ventilation.

(B) Filler metals containing cadmium and cadmium-plated materials shall carry the following notice on tags, boxes or other containers:

**WARNING**

**CONTAINS CADMIUM. POISONOUS FUMES MAY BE FORMED ON HEATING.**

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

Attachment No. 1

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**PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4**

Do not breathe fumes. Use only with adequate ventilation such as fume collectors, exhaust ventilators, or supplied-air respirators. If chest pain, cough, or fever develops after use, call physician immediately.

NOTE: The intent of calling a physician is to provide immediate medical services.

(C) Containers of fluoride fluxes shall bear the following statement:

**CAUTION  
CONTAINS FLUORIDES**

This flux when heated gives off fumes that may irritate eyes, nose, and throat.

1. Avoid fumes--use only in well-ventilated spaces.
2. Avoid contact of flux with eyes or skin.
3. Do not take internally.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

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

PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

Subchapter 7. General Industry Safety Orders  
Group 16. Control of Hazardous Substances  
Article 108. Confined Spaces

Amend Section 5157 as follows:

§ 5157. Permit-Required Confined Spaces.

\*\*\*\*\*

(b) Definitions.

\*\*\*\*\*

Hazardous atmosphere means an atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from a permit space), injury, or acute illness from one or more of the following causes:

\*\*\*\*\*

(5) Any other atmospheric condition that is immediately dangerous to life or health.

NOTE: For air contaminants for which a dose is not published in Group 14 for Radiation and Radioactivity or a permissible exposure limit is not published in section 5155 for Airborne contaminants, other sources of information such as: ~~Material~~ Safety Data Sheets that comply with section 5194, published information, and internal documents can provide guidance in establishing acceptable atmospheric conditions.

\*\*\*\*\*

(k) Rescue and emergency services.

\*\*\*\*\*

(4) If an injured entrant is exposed to a substance for which a ~~Material~~ Safety Data Sheet (~~MSDS~~) or other similar written information is required to be kept at the worksite, that ~~MSDS~~ or written information shall be made available to the medical facility treating the exposed entrant.

\*\*\*\*\*

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

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Subchapter 7. General Industry Safety Orders  
Group 16. Control of Hazardous Substances  
Article 109. Hazardous Substances and Processes

Amend Section 5161 as follows:

§5161. Definitions

\*\*\*\*\*

Corrosive. See Appendices A and B to section 5194.

\*\*\*\*\*

Hazardous substance. A substance, material, or mixture which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, an irritant, or otherwise harmful, is likely to cause injury or illness. Hazardous substance includes a hazardous chemical as defined in section 5194(c) and hazardous waste as defined in section 5192(a)(3). Additional definitions for hazardous substances are found in sections 5194(c), for Hazard Communication purposes only, and 5192(a)(3), for Hazardous Waste Operations purposes only.

\*\*\*\*\*

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

Amend Section 5189 as follows:

§ 5189. Process Safety Management of Acutely Hazardous Materials.

(a) ...

(b) Application.

(1) These regulations shall apply to a process which involves a chemical at or above the specified threshold quantities listed in Appendix A or a process which involves a Category 1 flammable gas (as defined in Section 5194) or a flammable liquid with a flashpoint below 100 °F (37.8 °C) on site in one location, in a quantity of 10,000 pounds (4535.9 kg) or more.

EXCEPTIONS:

(1) Flammable liquids with a flashpoint below 100 °F (37.8 °C) stored in atmospheric tanks or transferred which are kept below their normal boiling point without benefit of chilling or refrigeration.

\*\*\*\*\*

(d) Process Safety Information.

\*\*\*\*\*

(1) Information pertaining to hazards of the acutely hazardous and flammable materials used in the process. This information shall consist of at least the following:

\*\*\*\*\*

(G) Hazardous effects of incompatible mixtures which could foreseeably occur.

NOTE: Safety Data Sheets meeting the requirements of Section 5194(g) may be used to comply with this requirement to the extent they meet the information provisions.

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\*\*\*\*\*

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3 and 7856, Labor Code.

\*\*\*\*\*

Amend Section 5190 as follows:  
§ 5190. Cotton Dust.

\*\*\*\*\*

(j) Signs.

(1) The employer shall post the following warning sign in each work area where the permissible exposure limit for cotton dust is exceeded:

DANGER  
COTTON DUST  
CAUSES DAMAGE TO LUNGS  
(BYSSINOSIS)

WEAR RESPIRATORY PROTECTION IN THIS AREA

(2) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (j)(1) of this section:

WARNING!  
COTTON DUST WORK AREA  
May Cause Lung Injury  
(Byssinosis)  
RESPIRATOR REQUIRED IN THIS AREA

\*\*\*\*\*

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

\*\*\*\*\*

Amend Section 5191 as follows:  
§ 5191. Occupational Exposure to Hazardous Chemicals in Laboratories.

\*\*\*\*\*

(b) \* \* \*

\*\*\*\*\*

~~Explosive. A chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.~~

\*\*\*\*\*

Hazardous chemical. Any chemical which is classified as health hazard or simple asphyxiant in accordance with the Hazard Communication Standard (Section 5194).

Health hazard. A chemical that is classified as posing one of the following hazardous effects: Acute toxicity (any route of exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); aspiration hazard. The

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criteria for determining whether a chemical is classified as a health hazard are detailed in Appendix A of the Hazard Communication Standard (Section 5194) and Section 5194(c) (definition of "simple asphyxiant").

\*\*\*\*\*

Mutagen. Chemicals that cause permanent changes in the amount or structure of the genetic material in a cell. Chemicals classified as mutagens in accordance with the Hazard Communication Standard (Section 5194) shall be considered mutagens for purposes of this section.

Physical hazard. A chemical that is classified as posing one of the following hazardous effects: Explosive; flammable (gases, aerosols, liquids, or solids); combustible liquid; oxidizer (liquid, solid, or gas); self-reactive; pyrophoric (gas, liquid or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; in contact with water emits flammable gas; water-reactive; or combustible dust. The criteria for determining whether a chemical is classified as a physical hazard are in Appendix B of the Hazard Communication Standard (Section 5194) and Section 5194(c) (definitions of "combustible dust," "combustible liquid," "water-reactive" and "pyrophoric gas").

\*\*\*\*\*

Reproductive toxins. Chemicals which affect the reproductive capabilities including chromosomal damage (mutations), effects on fetuses (teratogenesis), adverse effects on sexual function and fertility in adult males and females, as well as adverse effects on the development of the offspring. Chemicals classified as reproductive toxins in accordance with the Hazard Communication Standard (Section 5194) shall be considered reproductive toxins for purposes of this section.

\*\*\*\*\*

(f) \* \* \*

(3) \* \* \*

(E) The location and availability of known reference material on the hazards, safe handling, storage and disposal of hazardous chemicals found in the laboratory including, but not limited to, Safety Data Sheets received from the chemical supplier.

\*\*\*\*\*

(h) \* \* \*

(1) With respect to labels and ~~material~~ safety data sheets;

\*\*\*\*\*

(B) Employers shall maintain in the workplace any safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible to laboratory employees during each work shift when they are in their work area(s).

\*\*\*\*\*

(2) \* \* \*

(C) If the chemical substance is produced for commercial purposes by another user outside of the laboratory, the employer shall comply with the Hazard Communication Standard (Section 5194) including the requirements for preparation of safety data sheets and labeling.

\*\*\*\*\*

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NOTE: Authority cited: Sections 142.3 and 9020, Labor Code. Reference: Sections 142.3, 9004(d), 9009 and 9020, Labor Code.

\*\*\*\*\*

Amend Section 5192 as follows:

§ 5192. Hazardous Waste Operations and Emergency Response.

(a) \* \* \*

(3) \* \* \*

Health hazard: A chemical, ~~mixture of chemicals~~ or a pathogen ~~for which there is statistically significant evidence, based on at least one study conducted in accordance with established scientific principles, that where~~ acute or chronic health effects may occur in exposed employees. It also includes stress due to temperature extremes. The term health hazard includes chemicals that are classified in accordance with the Hazard Communication Standard, Section 5194, as posing one of the following hazardous effects: Acute toxicity (any route of exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); aspiration toxicity or simple asphyxiant. (See Appendix A to Section 5194 Health Hazard Criteria (Mandatory) for the criteria for determining whether a chemical is classified as a health hazard.)

\*\*\*\*\*

(g) Engineering Controls, Work Practices, and Personal Protective Equipment for Employee Protection: Engineering controls, work practices, PPE, or a combination of these shall be implemented in accordance with this subsection to protect employees from exposure to hazardous substances and safety and health hazards.

\*\*\*\*\*

(2) Engineering controls, work practices, and PPE for substances not regulated in 8 CCR, Ch. 4, Subch. 7, Groups 14, 15, and 16: An appropriate combination of engineering controls, work practices, and personal protective equipment shall be used to reduce and maintain employee exposure to or below the published exposure levels for hazardous substances and health hazards not regulated by 8 CCR, Ch. 4, Subch. 7, Groups 14, 15, and 16. The employer may use the published literature and Safety Data Sheets (SDS's) as a guide in making the employer's determination as to what level of protection the employer believes is appropriate for hazardous substances and health hazards for which there is no PEL or published exposure level.

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3 and 142.7, Labor Code. Reference: Sections 142.3 and 142.7, Labor Code.

\*\*\*\*\*

Appendix A

\*\*\*\*\*

B. Totally-encapsulated chemical protective suit qualitative leak test.

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5.1 Concentrated aqueous ammonium hydroxide, NH<sub>4</sub>OH, is a corrosive volatile liquid requiring eye, skin, and respiratory protection. The person conducting the test shall review the SDS for aqueous ammonia.

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3 and 142.7, Labor Code. Reference: Sections 142.3 and 142.7, Labor Code.

\*\*\*\*\*

Amend Section 5194 as follows:

§ 5194. Hazard Communication.

(a) ~~Purpose.~~ (Reserved)

~~(1) The purpose of this section is to ensure that the hazards of all chemicals produced or imported are classified, and that information concerning the classified hazards is transmitted to employers and employees. The requirements of this section are intended to be consistent with the provisions of the United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS), Revision 3. The transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, safety data sheets and employee training.~~

~~(2) This occupational safety and health standard is intended to address comprehensively the issue of classifying the potential hazards of chemicals, and communicating information concerning hazards and appropriate protective measures to employees. Classifying the potential hazards of chemicals and communicating information concerning hazards and appropriate protective measures to employees, may include, for example, but is not limited to, provisions for: developing and maintaining a written hazard communication program for the workplace, including lists of hazardous chemicals present; labeling of containers of chemicals in the workplace, as well as of containers of chemicals being shipped to other workplaces; preparation and distribution of safety data sheets to employees and downstream employers; and development and implementation of employee training programs regarding hazards of chemicals and protective measures.~~

(b) Scope and Application.

(1) This section requires manufacturers or importers to classify the hazards of chemicals which they produce or import, and all employers to provide information to their employees about the hazardous chemicals to which they may be exposed, by means of a hazard communication program, labels and other forms of warning, safety data sheets, and information and training. In addition, this section requires distributors to transmit the required information to employers.

(2) This section applies to any hazardous chemical substance which is known to be present in the work place in such a manner that employees may be exposed under normal conditions of use or in a reasonably foreseeable emergency resulting from work place operations.

(3) This section applies to laboratories that primarily provide quality control analyses for manufacturing processes or that produce hazardous chemicals for commercial purposes, and to all other laboratories except those under the direct supervision and regular observation of an individual who has knowledge of the physical hazards, health hazards, and emergency

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procedures associated with the use of the particular hazardous chemicals involved, and who conveys this knowledge to employees in terms of safe work practices. Such excepted laboratories must also ensure that labels of incoming containers of hazardous chemicals are not removed or defaced pursuant to section 5194(f)(9)(4), and must maintain any safety data sheets that are received with incoming shipments of hazardous chemicals and ensure that they are readily available to laboratory employees pursuant to section 5194(g).

(4) This section does not require labeling of the following chemicals:

\*\*\*\*\*

(C) Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that Act, when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Bureau of Alcohol, Tobacco, Firearms and Explosives; and;

\*\*\*\*\*

(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 chemicals ~~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) Articles (~~hazardous chemicals substances~~ used in the manufacture or use of an article are covered by this section unless otherwise excluded);

\*\*\*\*\*

(H) The use of a chemical ~~substance~~ in compliance with regulations of the Director of the Department of Pesticide Regulation issued pursuant to section 12981 of the Food and Agricultural Code.

(I) Work operations where employees only handle chemicals in sealed containers which are not opened under normal conditions of use (such as are found in marine cargo handling, warehousing, or transportation); however, this section does apply to these operations as follows:

1. Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

2. Employers shall maintain copies of any safety data sheets that are received with incoming shipments of the sealed containers of hazardous chemicals, shall obtain a safety data sheet for sealed containers of hazardous chemicals received without a safety data sheet if an employee requests the safety data sheet, and shall ensure that the safety data sheets are readily accessible during each work shift to employees when they are in their work area(s); and,

3. Employers shall ensure that employees are provided with information and training in accordance with subsection (h) except for the location and availability of the written hazard communication program under subsection (h)(2)(C), to the extent necessary to protect them in the event of a spill or leak of a hazardous chemical ~~substance~~ from a sealed container.

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(6) Proposition 65 Warnings.

\*\*\*\*\*

(F) All terms and provisions of subsection (b)(6) shall have the same meaning as the following 22 CCR Sections in effect on May 9, 1991: 12201(a), 12201(b), 12201(c), 12201(d), 12201(f), 12201(k), 12502, 12601, 12701(a), 12701(b), 12701(d), 12703, 12705, 12707, 12709, 12711, 12721, 12801, 12803, 12805, 12821 and 12901. The above listed 22 CCR Sections in effect on May 9, 1991 are printed in Appendix G to this section. Additionally, all terms and provisions of subsection (b)(6) shall have the same meaning as in the Act and in 22 CCR Section 12000.

(c) Definitions.

Article.

A manufactured item: (1) Which is formed to a specific shape or design during manufacture; (2) which has end use function(s) dependent in whole or in part upon its shape or design during end use; and (3) which does not release, or otherwise result in exposure to, a hazardous chemical substance under normal conditions of use or in a reasonably foreseeable emergency resulting from workplace operations.

\*\*\*\*\*

Chemical.

Any substance, or mixture of substances.

Chemical name.

The scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard classification.

Chief.

The Chief of the Division of Occupational Safety and Health, P.O. Box 420603, San Francisco, CA 94142, or designee.

Classification.

Identification of relevant data regarding the hazards of a chemical; review of those data to ascertain the hazards associated with the chemical; and decision regarding whether the chemical will be classified as hazardous according to the definition of hazardous chemical in this section. In addition, classification for health and physical hazards includes the determination of the degree of hazard, where appropriate, by comparing the data with the criteria for health and physical hazards.

\*\*\*\*\*

Common name.

Any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical substance other than by its chemical name.

Container.

Any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, tank truck, or the like that contains a hazardous chemical substance. For purposes of this section, pipes or piping systems are not considered to be containers.

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**Distributor.**

A business, other than a manufacturer or importer, which supplies hazardous chemicals ~~substances~~ to other distributors or to employers.

**Division.**

The Division of Occupational Safety and Health (Cal/OSHA), California Department of Industrial Relations, or designee.

**Emergency.**

Any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment, which may or does result in a release of a hazardous chemical ~~substance~~ into the workplace.

\*\*\*\*\*

**Exposure or Exposed.**

Any situation arising from work operation where an employee may ingest, inhale, absorb through the skin or eyes, or otherwise come into contact with a hazardous chemical ~~substance~~.

\*\*\*\*\*

**Hazard category.**

The division of criteria within each hazard class, e.g., oral acute toxicity and flammable liquids include four hazard categories. These categories compare hazard severity within a hazard class and should not be taken as a comparison of hazard categories more generally.

**Hazard class.**

The nature of the physical or health hazards, e.g., flammable solid, carcinogen, oral acute toxicity.

**Hazard not otherwise classified (HNOC).**

An adverse physical or health effect identified through evaluation of scientific evidence during the classification process that does not meet the specified criteria for the physical and health hazard classes addressed in this section. This does not extend coverage to adverse physical and health effects for which there is a hazard class addressed in this section, but the effect either falls below the cut-off value/concentration limit of the hazard class or is under a United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS) hazard category that has not been adopted by OSHA (e.g., acute toxicity Category 5).

**Hazard statement.**

A statement assigned to a hazard class and category that describes the nature of the hazard(s) of a chemical, including, where appropriate, the degree of hazard.

**Hazardous chemical.**

Any chemical which is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, a hazard not otherwise classified, or is included in the List of Hazardous Substances prepared by the Director pursuant to Labor Code section 6382.

**Health hazard.**

~~A chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are~~ classified as posing one of the following hazardous effects: acute toxicity (any route of

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exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); or aspiration hazard. The criteria for determining whether a chemical is classified as a health hazard are detailed in subsection (d) and Appendix A to this section-- Health Hazard Criteria.

Immediate use.

The hazardous chemical substance will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

Importer.

The first business with employees within the Customs Territory of the United States which receives hazardous chemicals substances produced in other countries for the purpose of supplying them to distributors or purchasers within the United States.

Label.

An appropriate group of written, printed or graphic information elements concerning a hazardous chemical that is affixed to, printed on, or attached to the immediate container of a hazardous chemical, or to the outside packaging.

Label elements.

The specified pictogram, hazard statement, signal word and precautionary statement for each hazard class and category.

Manufacturer.

A person who produces, synthesizes, extracts, or otherwise makes a hazardous chemical.

Mixture.

A combination or a solution composed of two or more substances in which they do not react.

\*\*\*\*\*

Physical hazard.

A chemical that is classified as posing one of the following hazardous effects: explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid or gas); self-reactive; pyrophoric (liquid or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; combustible liquid; water-reactive; or in contact with water emits flammable gas. See Appendix B to section 5194 -- Physical Hazard Criteria.

Pictogram.

A composition that may include a symbol plus other graphic elements, such as a border, background pattern, or color, that is intended to convey specific information about the hazards of a chemical. Eight pictograms are designated under this standard for application to a hazard category.

Precautionary statement.

A phrase that describes recommended measures that should be taken to minimize or prevent adverse effects resulting from exposure to a hazardous chemical, or improper storage or handling.

\*\*\*\*\*

Product identifier.

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The name or number used for a hazardous chemical on a label or in the SDS. It provides a unique means by which the user can identify the chemical. The product identifier used shall permit cross-references to be made among the list of hazardous chemicals required in the written hazard communication program, the label and the SDS.

Pyrophoric gas.

A chemical in a gaseous state that will ignite spontaneously in air at a temperature of 130 degrees F (54.4 degrees C) or below.

Responsible party.

Someone who can provide additional information on the hazardous chemical substance and appropriate emergency procedures, if necessary.

Safety data sheet (SDS).

Written or printed material concerning a hazardous chemical that is prepared in accordance with section 5914(g).

Signal word.

A word used to indicate the relative level of severity of hazard and alert the reader to a potential hazard on the label. The signal words used in this section are "danger" and "warning." "Danger" is used for the more severe hazards, while "warning" is used for the less severe.

Simple asphyxiant.

A substance or mixture that displaces oxygen in the ambient atmosphere, and can thus cause oxygen deprivation in those who are exposed, leading to unconsciousness and death.

\*\*\*\*\*

Substance.

Chemical elements and their compounds in the natural state or obtained by any production process, including any additive necessary to preserve the stability of the product and any impurities deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.

Trade secret.

Any confidential formula, pattern, process, device, information, or compilation of information which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it. A trade secret shall not include chemical identity information which is readily discoverable through qualitative analysis. Appendix E to section 5194—Definition of Trade Secret sets out the criteria to be used in evaluating trade secrets.

\*\*\*\*\*

Work area.

A room or defined space in a workplace where hazardous chemicals substances are produced or used, and where employees are present.

\*\*\*\*\*

(d) Hazard Classification.

(1) Manufacturers and importers shall evaluate chemicals produced in their workplaces or imported by them to determine if they are hazardous and classify the chemicals in accordance with this section. For each chemical, the manufacturer or importer shall determine the hazard

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classes, and where appropriate, the category of each class that apply to the chemical being classified. Employers are not required to classify chemicals unless they choose not to rely on the classification performed by the manufacturer or importer for the chemical to satisfy this requirement.

(2) ~~Manufacturers, importers, or employers classifying chemicals shall identify and consider the full range of available scientific literature and other evidence concerning the potential hazards. This section does not require manufacturers, importers, or employers to conduct toxicological testing or epidemiological studies of the chemical(s) to determine how to classify the hazards. For health hazards, evidence which is statistically significant and which is based on at least one positive study conducted in accordance with established scientific principles is considered to be sufficient to establish a hazardous effect if the results of the study meet the definitions of health hazards in this section.~~ Appendix A to section 5194 shall be consulted for classification of health hazards ~~covered~~, and Appendix B to section 5194 shall be consulted for the classification of physical hazards. In addition, the manufacturer, importer, or employer classifying chemicals shall ensure that the identity and health effect of every chemical that they determine does not meet criteria in Appendix A for classification is noted on the safety data sheet if:

(A) There is statistically significant evidence of a hazardous effect; and,

(B) The evidence is based on at least one positive study conducted in accordance with established scientific principles.

~~(3) The manufacturer, importer, or employer~~ Manufacturers, importers, or employers classifying chemicals shall treat any chemical listed on the following sources as a hazardous chemical and shall be required to classify the listed chemical using the criteria as described in Appendix A. ~~treat any of the following sources as establishing that the chemicals listed in them are hazardous:~~

~~(A) The list of hazardous substances prepared by the Director pursuant to Labor Code section 6382 and as promulgated in title 8, California Code of Regulations, section 339. The concentrations and footnotes which are applicable to the list shall be understood to modify the same substance on all other source lists or hazard determinations set forth in sections 5194(d)(3)(B) 5194(d)(5)(C).~~

~~(B) 29 CFR part 1910, subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA).~~

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

(D) Chemicals specifically identified and regulated under Title 8, Article 107, Dusts, Fumes, Mists, Vapors and Gases, and Article 109, Hazardous Substances and Processes.

The manufacturer, importer, or employer is still responsible for classifying and categorizing the hazards associated with the chemicals in these source lists in accordance with the requirements of this the standard and its appendices.

EXCEPTION to subsection (d)(3): A manufacturer, importer, or employer classifying the hazards associated with the chemicals listed above who determines, based on thorough review of all available evidence, that the chemical does not meet the criteria in Appendix A for classification, is not required to classify that chemical provided that the classifier does all of the following:

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1. Documents the basis for that determination including the studies or evidence relied upon, and maintains and makes that documentation available to employees, employers and the Division upon request, in accordance with this Section and Section 3204.

2. Discloses the identity of the chemical and the listing upon which the chemical appears on the SDS.

(4) Manufacturers, importers, and employers classifying chemicals shall treat any of the following sources as establishing that a chemical listed has met the total weight of evidence criteria as described in Appendix A for classification as a known or presumed human carcinogen, or a suspected human carcinogen for purposes of this section ~~is a carcinogen or potential carcinogen for hazard communication purposes:~~

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

(B) International Agency for Research on Cancer (IARC) *Monographs* (latest editions).

~~(C) 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration.~~

Substances subject to regulation under the Occupational Carcinogen Control Act or which are regulated in Title 8, Article 110, Regulated Carcinogens.

(D) Substances that meet the definition of "select carcinogen" in Title 8, Section 5191.

EXCEPTION to subsection (d)(4): A manufacturer, importer, or employer classifying the hazards associated with the chemicals listed above who determines, based on thorough review of all available evidence, that the chemical does not cause cancer, need not classify that chemical as a carcinogen, provided that the classifier does all of the following:

1. Documents the basis for that determination including the studies or evidence relied upon, and maintains and makes that documentation available to employees, employers and the Division upon request, in accordance with this Section and Section 3204.

2. Discloses the identity of the chemical, and the listing upon which the chemical appears on the SDS. In addition, a notation shall appear on the SDS, in accordance with Appendix D, for all substances listed by NTP or IARC as carcinogens.

~~Note to (d)(4): The Registry of Toxic Effects of Chemical Substances published by the National Institute for Occupational Safety and Health indicates whether a substance has been found by NTP or IARC to be a potential carcinogen.~~

(5) Mixtures.

(A) ~~Chemical m~~Manufacturers, importers, or employers evaluating chemicals shall follow the procedures described in Appendices A and B to section 5194 to classify the hazards of the chemicals, including determinations regarding when mixtures of the classified chemicals are covered by this section.

(B) Manufacturers, importers or employers are also required to list any hazardous chemical on the SDS known to be present in a mixture, where the chemical is:

1. either a. One percent or more of the mixture or product or b. Two percent of the mixture or product if the hazardous chemical exists as an impurity in the mixture; and

2. the concentration of the chemical in the mixture is below the cut-off concentration specified in Appendix A.

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~~(B) When classifying mixtures they produce or import, manufacturers and importers of mixtures may rely on the information provided on the current safety data sheets of the individual ingredients except where the manufacturer or importer knows, or in the exercise of reasonable diligence should know, that the safety data sheet misstates or omits information required by this section.~~

(C) When classifying mixtures they produce or import, manufacturers and importers of mixtures may rely on the information provided on the current SDS of the individual ingredients except where the manufacturer or importer knows, or in the exercise of reasonable diligence should know, that the SDS misstates or omits information required by this section.

~~(C) If the manufacturer, importer, or employer has evidence to indicate that a component present in the mixture in concentrations of less than one percent (or in the case of carcinogens, less than 0.1 percent) could be released in concentrations which would exceed an established permissible exposure limit or ACGIH Threshold Limit Value, or could present a health hazard to employees in those concentrations, the mixture shall be assumed to present the same hazard.~~

(D) If the manufacturer, importer, or employer classifying a mixture has evidence to indicate that a component present in the mixture presents a health risk below the cut-off/concentration limits in Appendix A, this information shall be included on the SDS in accordance with Appendix D.

(6) Manufacturers, importers, or employers classifying chemicals shall describe in writing the procedures they use to determine the hazards of the chemicals they evaluate. The written procedures are to be made available, upon request, to employees, their designated representatives, the Director, and NIOSH. The written description may be incorporated into the written hazard communication program required under section 5194(e).

(e) Written Hazard Communication Program.

(1) Employers shall develop, implement, and maintain at the workplace a written hazard communication program for their employees which at least describes how the criteria specified in sections 5194(f), (g), and (h) for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

(A) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and,

(B) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals substances contained in unlabeled pipes in their work areas.

(2) In multi-employer workplaces, the written hazard communication program shall include the methods employers will use to inform any employers sharing the same work area of the hazardous chemicals to which their employees may be exposed while performing their work, and any suggestions for appropriate protective measures, including the following:

(A) The methods the employer will use to provide the other employer(s) with access to the safety data sheet, or to make it available at a central location in the workplace, for each hazardous chemical the other employer(s)' employees may be exposed to while working;

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(f) Labels and Other Forms of Warning.

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(1) Labels on shipped containers. The manufacturer, importer, or distributor shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged or marked. Hazards not otherwise classified do not have to be addressed on the container. Where the manufacturer or importer is required to label, tag or mark the following information shall be provided:

- (A) Product identifier;
- (B) Signal word;
- (C) Hazard statement(s);
- (D) Pictogram(s);
- (E) Precautionary statement(s); and,
- (F) Name, address, and telephone number of the manufacturer, importer, or other responsible party.

(2) The manufacturer, importer, or distributor shall ensure that the information provided under section 5194(f)(1)(A) through (E) is in accordance with Appendix C to section 5194, for each hazard class and associated hazard category for the hazardous chemical, prominently displayed, and in English (other languages may also be included if appropriate).

(3) The manufacturer, importer, or distributor shall ensure that the information provided under section 5194 (f)(1)(B) through (D) is located together on the tag, label or mark.

(4) Solid materials.

(A) For solid metal (such as a steel beam or a metal casting) that is not exempted as an article due to its downstream use, or shipments of whole grain, the required label may be transmitted to the customer at the time of the initial shipment, and need not be included with subsequent shipments to the same employer unless the information on the label changes;

(B) The label may be transmitted with the initial shipment itself, or with the safety data sheet that is to be provided prior to or at the time of the first shipment; and,

(C) This exception to requiring labels on every container of hazardous chemicals is only for the solid material itself, and does not apply to hazardous chemicals used in conjunction with, or known to be present with, the material and to which employees handling the items in transit may be exposed (for example, cutting fluids, pesticides in grains or lubricants).

(5) Manufacturers, importers, or distributors shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked in accordance with this section in a manner which does not conflict with the requirements of the Hazardous Materials Transportation Act (18 U.S.C. 1801 et seq.) and regulations issued under that Act by the Department of Transportation.

(6) Workplace labeling. Except as provided in sections 5194(f)(7) and (f)(8) the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged, or marked with either:

(A) The information specified under section 5194(f)(1)(A) through (E) for labels on shipped containers; or,

(B) Product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication

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program, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.

(7) The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers to which it is applicable and conveys the information required by section 5194(f)(6) to be on a label. The written materials shall be readily accessible to the employees in their work area throughout each work shift. In construction, the employer may use such written materials in lieu of affixing labels to individual containers as long as the alternative method identifies and accompanies the containers to which it is applicable and conveys the information required to be on a label.

(8) The employer is not required to label portable containers into which hazardous chemicals are transferred from labeled containers, and which are intended only for the immediate use of the employee who performs the transfer.

(9) The employer shall not remove or intentionally deface existing labels on incoming containers of hazardous chemicals, unless the container is immediately marked with the required information.

(10) The employer shall ensure that workplace labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift. Employers having employees who speak other languages may add the information in their language to the material presented, as long as the information is presented in English as well.

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

(g) Safety Data Sheets.

(1) Manufacturers and importers shall obtain or develop a safety data sheet for each hazardous chemical they produce or import. Employers shall have a safety data sheet for each hazardous chemical which they use.

Note to (g)(1): Employers should also refer to section 3204 concerning information to be retained after a particular chemical is no longer in use.

(2) The manufacturer or importer preparing the safety data sheet shall ensure that it is in English (although the employer may maintain copies in other languages as well) and includes at least the following section numbers and headings, and associated information under each heading, in the order listed (See Appendix D to section 5194--Safety Data Sheets, for the specific content of each section of the safety data sheet):

(A) Section 1, Identification;

(B) Section 2, Hazard(s) identification;

(C) Section 3, Composition/information on ingredients;

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- (D) Section 4, First-aid measures;
  - (E) Section 5, Fire-fighting measures;
  - (F) Section 6, Accidental release measures;
  - (G) Section 7, Handling and storage;
  - (H) Section 8, Exposure controls/personal protection;
  - (I) Section 9, Physical and chemical properties;
  - (J) Section 10, Stability and reactivity;
  - (K) Section 11, Toxicological information;
  - (L) Section 12, Ecological information;
  - (M) Section 13, Disposal considerations;
  - (N) Section 14, Transport information;
  - (O) Section 15, Regulatory information; and
  - (P) Section 16, Other information, including date of preparation or last revision.
- (Q) A description in lay terms, if not otherwise provided, on either a separate sheet or with the body of the information specified in this section, of the specific potential health risks posed by the hazardous chemical intended to alert any person reading the information.
- NOTE to section 5194(g)(2): To be consistent with the GHS, an SDS must also include the headings in section 5194(g)(2)(L) through (g)(2)(P) in order.
- (3) If no relevant information is found for any sub-heading within a section on the safety data sheet, the manufacturer, importer, or employer preparing the safety data sheet shall mark it to indicate that no information was found. If the category is not applicable to the hazardous chemical involved, the space shall be marked to indicate that.
- (4) Where complex mixtures have similar hazards and contents (i.e. the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the manufacturer, importer or employer may prepare one safety data sheet to apply to all of these similar mixtures.
- (5) The manufacturer, importer or employer preparing the safety data sheet shall ensure that the information provided accurately reflects the scientific evidence used in making the hazard ~~determination~~ classification. If the manufacturer, importer, or employer become aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information shall be added to the safety data sheet within three months. If the chemical is not currently being produced or imported, the manufacturer or importer shall add the information to the safety data sheet before the chemical is introduced into the workplace again.
- (6) Manufacturers or importers shall ensure that distributors and purchasers of hazardous chemicals are provided an appropriate safety data sheet with their initial shipment, and with the first shipment after a safety data sheet is updated. The manufacturer or importer shall either provide safety data sheets with the shipped containers or send them to the purchaser prior to or at the time of the shipment. If the safety data sheet is not provided with the shipment, the purchaser shall obtain one from the manufacturer, importer, or distributor as soon as possible. The manufacturer or importer shall also provide distributors or employers with a safety data sheet upon request.

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(7) Distributors shall ensure that safety data sheets, and updated information, are provided to other distributors and purchasers of hazardous chemicals.

(8) The employer shall maintain copies of the required ~~material~~ safety data sheets for each hazardous chemical 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 and other alternatives to maintaining paper copies of the safety data sheets are permitted as long as no barriers to immediate employee access in each workplace are created by such options.)

(9) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the safety data sheets may be kept at a central location at the primary workplace facility. In this situation, the employer shall ensure that employees can immediately obtain the required information in an emergency.

(10) Safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the required information is provided for each hazardous chemical and is readily accessible during each work shift to employees when they are in their work area(s).

(11) Safety data sheets shall also be made readily available, upon request, to designated representatives, and to the Chief, in accordance with the requirements of section 3204(e). NIOSH and the employee's physician shall also be given access to safety data sheets in the same manner.

(12) If the safety data sheet, or any item of information required by section 5194(g)(2), is not provided by the manufacturer or importer, the employer shall:

(A) Within 7 working days of noting this missing information, either from a request or in attempting to comply with section 5194(g)(1), make written inquiry to the manufacturer or importer of a hazardous chemical responsible for the safety data sheet, asking that the complete safety data sheet be sent to the employer. If the employer has made written inquiry in the preceding 12 months as to whether the chemical or product is subject to the requirements of the Act or the employer has made written inquiry within the last 6 months requesting new, revised or later information on the safety data sheet for the hazardous chemical, the employer need not make additional written inquiry.

(B) Notify the requester in writing of the date that the inquiry was made, to whom it was made, and the response, if any, received. Providing the requestor with a copy of the inquiry sent to the manufacturer, producer or seller and a copy of the response will satisfy this requirement.

(C) Notify the requestor of the availability of the safety data sheet within 15 days of the receipt of the safety data sheet from the manufacturer, producer or seller or provide a copy of the safety data sheet to the requestor within 15 days of the receipt of the safety data sheet from the manufacturer, producer or seller.

(D) Send the Director a copy of the written inquiry if a response has not been received within 25 working days.

(13) The preparer of a safety data sheet shall provide the Director with a copy of the safety data sheet. Where a trade secret claim is made, the preparer shall submit the information specified in section 5194(i)(15).

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(h) Employee Information and Training.

(1) Employers shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard is introduced into their work area. Information and training may relate to general classes of hazardous chemicals to the extent appropriate and related to reasonably foreseeable exposures of the job. Chemical-specific information must always be available through labels and safety data sheets.

(2) Information and training shall consist of at least the following topics:

(A) Employees shall be informed of the requirements of this section.

(B) Employees shall be informed of any operations in their work area where hazardous chemicals are present.

(C) Employees shall be informed of the location and availability of the written hazard communication program, including the list(s) of hazardous chemicals and safety data sheets required by this section.

(D) Employees shall be trained in the methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.).

(E) Employees shall be trained in the physical, health, simple asphyxiation, combustible dust and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area, and the measures they can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used.

(F) Employees shall be trained in the details of the hazard communication program developed by the employer, including an explanation of the labels received on shipped containers and the workplace labeling system used by their employer and the safety data sheet, and how employees can obtain and use the appropriate hazard information.

(G) Employers shall inform employees of the right:

1. To personally receive information regarding hazardous ~~chemicals~~ substances to which they may be exposed, according to the provisions of this section;

2. For their physician or collective bargaining agent to receive information regarding hazardous ~~chemicals~~ substances to which the employee may be exposed according to provisions of this section;

3. Against discharge or other discrimination due to the employee's exercise of the rights afforded pursuant to the provisions of the Hazardous Substances Information and Training Act.

(3) Whenever the employer receives a new or revised safety data sheet, such information shall be provided to employees on a timely basis not to exceed 30 days after receipt, if the new information indicates significantly increased risks to, or measures necessary to protect, employee health as compared to those stated on a ~~material~~ safety data sheet previously provided.

(i) Trade Secrets.

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(1) The manufacturer, importer or employer may withhold the specific chemical identity of a hazardous chemical, or the exact percentage (concentration) of the substance in a mixture, from the safety data sheet, provided that:

- (A) The claim that the information withheld is a trade secret can be supported;
- (B) Information contained in the safety data sheet concerning the properties and effects of the hazardous chemical is disclosed;
- (C) The safety data sheet indicates that the specific chemical identity and/or percentage of composition is being withheld as a trade secret; and,
- (D) The specific chemical identity and percentage is made available to health or safety professionals, employees, and designated representatives in accordance with the applicable provisions of this subsection.

(2) Where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity and/or specific percentage of composition of a hazardous chemical is necessary for emergency or first-aid treatment, the manufacturer, importer, or employer shall immediately disclose the specific chemical identity or percentage composition of a trade secret chemical to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. The manufacturer, importer, or employer may require a written statement of need and confidentiality agreement, in accordance with the provisions of sections 5194(i)(3) and (4), as soon as circumstances permit.

(3) In non-emergency situations, a manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity or percentage composition, otherwise permitted to be withheld under section 5194(i)(1), to a health or safety professional (i.e., physician, nurse, industrial hygienist, safety professional, toxicologist, or epidemiologist) providing medical or other occupational health services to exposed employee(s), and to employees and designated representatives, if:

- (A) The request is in writing;
- (B) The request describes with reasonable detail one or more of the following occupational health needs for the information:

1. To assess the hazards of the chemicals substances to which employees will be exposed;

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(C) The request explains in detail why the disclosure of the specific chemical identity or percentage composition is essential and that, in lieu thereof, the disclosure of the following information would not enable the health or safety professional, employee or designated representative to provide the occupational health services described in section 5194(i)(3)(B):

- 1. The properties and effects of the chemical substance;
- 2. Measures for controlling workers' exposure to the chemical substance;
- 3. Methods of monitoring and analyzing worker exposure to the chemical substance; and,
- 4. Methods of diagnosing and treating harmful exposures to the chemical substance;

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(7) If the manufacturer, importer, or employer denies a written request for disclosure of a specific chemical identity or percentage composition, the denial must:

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(C) Include evidence to support the claim that the specific chemical identity or percent of composition is a trade secret;

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(E) Explain in detail how alternative information may satisfy the specific medical or occupational health need without revealing the trade secret.

\*\*\*\*\*

(9) \* \* \*

(A) The manufacturer, importer, or employer has supported the claim that the specific chemical identity or percentage composition is a trade secret;

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(10) If the Director determines that the specific chemical identity or percentage composition requested under section 5194(i)(3) is not a *bona fide* trade secret, or that it is a trade secret but the requesting health or safety professional, employee, or designated representative has a legitimate medical or occupational health need for the information, has executed a written confidentiality agreement, and has shown adequate means to protect the confidentiality of the information, the manufacturer, importer, or employer will be subject to citation by the Director. The Director shall so notify the manufacturer, importer, or employer by certified mail.

(11) The manufacturer, importer, or employer shall have 15 days after receipt of notification under section 5194(i)(10) to provide the Director with a complete justification and statement of the grounds on which the trade secret privilege is claimed. This justification and statement shall be submitted by certified mail.

(12) The Director shall determine whether such information is protected as a trade secret within 15 days after receipt of the justification and statement required by section 5194(i)(11), or if no justification and statement is filed, within 30 days of the original notice, and shall notify the employer or manufacturer and any party who has requested the information pursuant to the California Public Records Act of that determination by certified mail. If the Director determines that the information is not protected as a trade secret, the final notice shall also specify a date, not sooner than 15 days after the date of mailing of the final notice, when the information shall be available to the public.

(13) Prior to the date specified in the final notice provided pursuant to section 5194(i)(12), a manufacturer, importer, or employer may institute an action in an appropriate superior court for a declaratory judgment as to whether such information is subject to protection from disclosure.

(14) If a manufacturer, importer, or employer demonstrates to the Director that the execution of a confidentiality agreement as provided for by section 5194(i)(10) would not provide sufficient protection against the potential harm from the unauthorized disclosure of a trade secret specific chemical identity, the Director may issue such orders to impose such additional limitations or conditions upon the disclosure of the requested information as may be appropriate to assure that the occupational health services are provided without an undue risk of harm to the manufacturer, importer, or employer.

(15) Notwithstanding the existence of a trade secret claim, a manufacturer, importer, or employer shall disclose to the Director the specific chemical identity or percentage composition of any hazardous chemical in a product for which trade secrecy is claimed. Where there is a trade secret

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claim, such claim shall be made no later than at the time the information is provided to the Director so that suitable determinations of trade secret status can be made and the necessary protections can be implemented.

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(j) Effective dates.

(1) Employers shall train employees regarding the new label elements and safety data sheets format by December 1, 2013.

(2) Manufacturers, importers, distributors, and employers shall be in compliance with all modified provisions of this section no later than June 1, 2015, except:

(A) After December 1, 2015, the distributor shall not ship containers labeled by the manufacturer or importer unless the label has been modified to comply with section 5194(f)(1).

(B) All employers shall, as necessary, update any alternative workplace labeling used under section 5194(f)(6), update the hazard communication program required by section 5194(h)(1), and provide any additional employee training in accordance with section 5194(h)(3) for newly identified physical or health hazards no later than June 1, 2016.

(3) Manufacturers, importers, distributors, and employers may comply with either section 5194 revised as of July 6, 2004, or the current version of this standard, or both during the transition period.

(k) Appendices.

(1) Appendices A to E of this section are incorporated as part of this section and the provisions are mandatory.

(2) Appendix F contains information which is not intended to create any additional obligations not otherwise imposed or to detract from any existing obligation.

(3) Appendix G contains the following 22 CCR Sections: 12201(a), 12201(b), 12201(c), 12201(d), 12201(f), 12201(k), 12502, 12601, 12701(a), 12701(b), 12701(d), 12703, 12705, 12707, 12709, 12711, 12721, 12801, 12803, 12805, 12821, and 12901 in effect on May 9, 1991 that are referred to in subsection (b)(6).

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. Auchter* (3d Cir. 1985) 763 F.2d 728.

**APPENDIX A TO SECTION 5194 - HEALTH HAZARD CRITERIA (MANDATORY)**

See Title 29 Code of Federal Regulations section 1910.1200 Appendix A.

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; and Federal Register Volume 77, Number 58 (Monday, March 26, 2012) Pages 17574-17896).

**APPENDIX B TO SECTION 5194 - PHYSICAL HAZARD CRITERIA (MANDATORY)**

See Title 29 Code of Federal Regulations section 1910.1200 Appendix B.

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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; and Federal Register Volume 77, Number 58 (Monday, March 26, 2012) Pages 17574-17896).

**APPENDIX C TO SECTION 5194 - ALLOCATION OF LABEL ELEMENTS  
(MANDATORY)**

See Title 29 Code of Federal Regulations section 1910.1200 Appendix C.

NOTE: 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; and Federal Register Volume 77, Number 58 (Monday, March 26, 2012) Pages 17574-17896).

**APPENDIX D TO SECTION 5194 - SAFETY DATA SHEETS (MANDATORY)**

See Title 29 Code of Federal Regulations section 1910.1200 Appendix D.

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; and Federal Register Volume 77, Number 58 (Monday, March 26, 2012) Pages 17574-17896).

**APPENDIX E TO SECTION 5194 – DEFINITION OF “TRADE SECRET” (MANDATORY)**

See Title 29 Code of Federal Regulations section 1910.1200 Appendix E.

**APPENDIX F TO SECTION 5194 – GUIDANCE FOR HAZARD CLASSIFICATIONS RE:  
CARCINOGENICITY (NON-MANDATORY)**

See Title 29 Code of Federal Regulations section 1910.1200 Appendix F.

**APPENDIX G TO SECTION 5194 - Terms and Provisions for subsection (b)(6)**

The following Sections from Title 22 of the California Code of Regulations (22 CCR) in effect on May 9, 1991 are printed in this Appendix because they provide terms and provisions referred to in subsection (b)(6):

See Title 29 Code of Federal Regulations section 1910.1200 Appendix E.

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NOTE: Authority cited: Sections 50.7 and 142.3, Labor Code. Reference: Sections 50.7 and 142.3, Labor Code; Sections 25249.6, 25249.7, 25249.8, 25249.10, 25249.11, 25249.12 and 25249.13, Health and Safety Code; and *California Lab. Federation v. Occupational Safety and Health Stds. Bd.* (1990) 221 Cal.App.3d 1547 [271 Cal. Rptr. 310]; and Federal Register Volume 77, Number 58 (Monday, March 26, 2012) Pages 17574-17896).

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Amend Section 5197 as follows:

§5197. Occupational Exposure to Food Flavorings Containing Diacetyl.

\*\*\*\*\*

(b) Definitions.

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(6) "Diacetyl" means the substance that is also known as 2,3-Butanedione and has CAS (Chemical Abstract Service) #431-03-8. "Diacetyl" also means a proprietary formulation containing diacetyl, e.g., diacetyl starter distillate [Chemical Abstract Service (CAS) #977019-27-4] unless the manufacturer indicates through the accompanying ~~material~~-safety data sheet (MSDS) or through other written means that the material contains less than one percent diacetyl by weight.

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NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

\*\*\*\*\*

Amend Section 5198 as follows:

§ 5198. Lead.

\*\*\*\*\*

(g) \* \* \*

(2) \* \* \*

(G) Labeling of contaminated protective clothing and equipment.

1. The employer shall ensure that labels of bags or containers of contaminated protective clothing and equipment include the following information:

**DANGER: CLOTHING AND EQUIPMENT CONTAMINATED WITH LEAD. MAY DAMAGE FERTILITY OR THE UNBORN CHILD. CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM. DO NOT EAT, DRINK OR SMOKE WHEN HANDLING. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.**

2. Prior to June 1, 2015, employers may include the following information on bags or containers of contaminated protective clothing and equipment in lieu of the labeling requirements in subsections (g)(2)(G)1. of this section:

**CAUTION: CLOTHING CONTAMINATED WITH LEAD. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE OR FEDERAL REGULATIONS.**

\*\*\*\*\*

(m) Communication of Hazards.

(1) Hazard Communication--General.

(A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for lead.

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(B) In classifying the hazards of lead at least the following hazards are to be addressed: Reproductive/developmental toxicity; central nervous system effects; kidney effects; blood effects; and acute toxicity effects.

(C) Employers shall include lead in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of lead and to safety data sheets, and is trained in accordance with the requirements of HCS and subsection (l) of this section.

(2) Signs.

(A) The employer shall post the following warning signs in each work area where the PEL is exceeded:

DANGER  
LEAD  
MAY DAMAGE FERTILITY OR THE UNBORN CHILD  
CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM  
DO NOT EAT, DRINK OR SMOKE IN THIS AREA

(B) The employer shall ensure that no statement appears on or near any sign required by this subsection (m)(2) which contradicts or detracts from the meaning of the required sign.

(C) The employer shall ensure that signs required by this subsection (m)(2) are illuminated and cleaned as necessary so that the legend is readily visible.

(D) The employer may use signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs required by this subsection (m)(2).

(E) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (m)(2)(B) of this section:

WARNING  
LEAD WORK AREA  
POISON  
NO SMOKING OR EATING

\*\*\*\*\*

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

\*\*\*\*\*

Appendix B  
Section 5198 Summary

\*\*\*\*\*

### XI. Signs

The standard requires that the following warning sign must be posted in work areas where the exposure to lead exceeds the PEL:

DANGER  
LEAD  
MAY DAMAGE FERTILITY OR THE UNBORN CHILD  
CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM  
DO NOT EAT, DRINK OR SMOKE IN THIS AREA

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However, prior to June 1, 2016, employers may use the following legend in lieu of that specified above:

WARNING  
LEAD WORK AREA  
POISON  
NO SMOKING OR EATING  
\*\*\*\*\*

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Subchapter 4. Construction Safety Orders  
Group 16. Control of Hazardous Substances  
Article 110. Regulated Carcinogens

Amend Section 5200 as follows:  
§ 5200. Methylenedianiline.

\*\*\*\*\*

(k) Communication of hazards.

(1) Hazard communication--general.

(A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for MDA.

(B) In classifying the hazards of MDA at least the following hazards are to be addressed: Cancer; liver effects; and skin sensitization.

(C) Employers shall include MDA in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of MDA and to safety data sheets, and is trained in accordance with the requirements of HCS and subsection (k)(4) of this section.

(2) Signs and labels.

(A) Signs.

1. The employer shall post and maintain legible signs demarcating regulated areas and entrances or access ways to regulated areas that bear the following legend:

DANGER  
MDA  
MAY CAUSE CANCER  
CAUSES DAMAGE TO THE LIVER  
RESPIRATORY PROTECTION AND PROTECTIVE CLOTHING  
MAY BE REQUIRED IN THIS AREA  
AUTHORIZED PERSONNEL ONLY

2. Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (k)(2)(A)1. of this section:

DANGER  
MDA  
MAY CAUSE CANCER  
LIVER TOXIN  
AUTHORIZED PERSONNEL ONLY  
RESPIRATORS AND PROTECTIVE CLOTHING  
MAY BE REQUIRED TO BE WORN IN THIS AREA

(B) Labels. Prior to June 1, 2015, employers may include the following information workplace labels in lieu of the labeling requirements in subsection (k)(1) of this section:

1. For Pure MDA:

DANGER  
CONTAINS MDA

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MAY CAUSE CANCER  
LIVER TOXIN

2. For mixtures containing MDA:

DANGER  
CONTAINS MDA  
CONTAINS MATERIALS WHICH MAY CAUSE CANCER  
LIVER TOXIN

(3) Safety data sheets (SDS).

(A) In meeting the obligation to provide safety data sheets, employers shall make appropriate use of the information found in Appendices A and B to Section 5200.

(4) Information and training.

\*\*\*\*\*

(5) Access to training materials.

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.

Amend Section 5201 as follows:

§ 5201. 1,3-Butadiene.

\*\*\*\*\*

(l) \* \* \*

(1) Hazard communication - general.

(A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for BD.

(B) In classifying the hazards of BD at least the following hazards are to be addressed: Cancer; eye and respiratory tract irritation; central nervous system effects; and flammability.

(C) Employers shall include BD in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of BD and to safety data sheets, and is trained in accordance with the requirements of HCS and subsection (l)(2) of this section.

\*\*\*\*\*

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

Amend Section 5202 as follows:

§ 5202. Methylene Chloride.

\*\*\*\*\*

(k) Hazard communication.

(1) Hazard communication--general.

(A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for MC.

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(B) In classifying the hazards of MC at least the following hazards are to be addressed: Cancer, cardiac effects (including elevation of carboxyhemoglobin), central nervous system effects, liver effects, and skin and eye irritation.

(C) Employers shall include MC in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of MC and to safety data sheets, and is trained in accordance with the requirements of HCS and subsection (l) of this section.

(2) [Reserved]

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9031 and 9040, Labor Code.

\*\*\*\*\*

Appendix A to Section 5202

Substance Safety Data Sheet and Technical Guidelines for Methylene chloride.

\*\*\*\*\*

X. Access To Information

\*\*\*\*\*

E. Your employer is required to provide labels and safety data sheets (SDS) for all materials, mixtures or solutions composed of greater than 0.1 percent MC. These materials, mixtures or solutions would be classified and labeled in accordance with Section 5194.

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9031 and 9040, Labor Code.

Amend Section 5206 as follows:

§ 5206. Chromium (VI).

\*\*\*\*\*

(h) \* \* \*

(2) \* \* \*

(D) The employer shall ensure that bags or containers of contaminated protective clothing or equipment that are removed from change rooms for laundering, cleaning, maintenance, or disposal shall be labeled in accordance with the requirements of the Hazard Communication standard, Section 5194.

\*\*\*\*\*

(l) \* \* \*

(1) Hazard communication—general.

(A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for chromium (VI).

(B) In classifying the hazards of chromium (VI) at least the following hazards are to be addressed: cancer, eye irritation, and skin sensitization.

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(C) Employers shall include chromium (VI) in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of chromium (VI) and to safety data sheets, and is trained in accordance with the requirements of HCS and subsection (l)(2) of this section.

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.

Amend Section 5207 as follows:  
§ 5207. Cadmium.

\*\*\*\*\*

(k) \* \* \*

(7) Waste, scrap, debris, bags, containers, personal protective equipment, and clothing contaminated with cadmium and consigned for disposal shall be collected and disposed of in sealed impermeable bags or other closed, impermeable containers. These bags and containers shall be labeled in accordance with subsection (m) of this section.

\*\*\*\*\*

(m) \* \* \*

(1) Hazard Communication.--General.

(A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for cadmium.

(B) In classifying the hazards of cadmium at least the following hazards are to be addressed: Cancer; lung effects; kidney effects; and acute toxicity effects.

(C) Employers shall include cadmium in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of cadmium and to safety data sheets, and is trained in accordance with the requirements of HCS and subsection (m)(4) of this section.

(2) Warning Signs.

(A) Warning signs shall be provided and displayed in regulated areas. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.

(B) Warning signs required by subsection (m)(2)(A) of this section shall bear the following legend:

DANGER  
CADMIUM  
MAY CAUSE CANCER  
CAUSES DAMAGE TO LUNGS AND KIDNEYS  
WEAR RESPIRATORY PROTECTION IN THIS AREA  
AUTHORIZED PERSONNEL ONLY

(C) The employer shall ensure that signs required by this subsection (m)(2) are illuminated, cleaned, and maintained as necessary so that the legend is readily visible.

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(D) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (m)(2)(B) of this section:

DANGER  
CADMIUM  
CANCER HAZARD  
CAN CAUSE LUNG AND KIDNEY DISEASE  
AUTHORIZED PERSONNEL ONLY  
RESPIRATORS REQUIRED IN THIS AREA

(3) Warning Labels.

(A) Shipping and storage containers containing cadmium, cadmium compounds, or cadmium contaminated clothing, equipment, waste, scrap, or debris shall bear appropriate warning labels, as specified in subsection (m)(1) of this section.

(B) The warning labels for containers of contaminated protective clothing, equipment, waste, scrap, or debris shall include at least the following information:

DANGER  
CONTAINS CADMIUM  
MAY CAUSE CANCER  
CAUSES DAMAGE TO LUNGS AND KIDNEYS  
AVOID CREATING DUST

(C) Prior to June 1, 2015, employers may include the following information on shipping and storage containers containing cadmium, cadmium compounds, or cadmium contaminated clothing, equipment, waste, scrap, or debris in lieu of the labeling requirements specified in subsections (m)(1)(A) and (m)(3)(B) of this section:

DANGER  
CONTAINS CADMIUM  
CANCER HAZARD  
AVOID CREATING DUST  
CAN CAUSE LUNG AND KIDNEY DISEASE

(D) Where feasible, installed cadmium products shall have a visible label or other indication that cadmium is present.

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.

Amend Section 5208 as follows:

§ 5208. Asbestos.

\*\*\*\*\*

(h) \* \* \*  
(2) \* \* \*

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(D) The employer shall ensure that containers of contaminated protective devices or work clothing which are to be taken out of change rooms or the workplace for cleaning, maintenance or disposal, shall bear labels in accordance with subsection (j) of this section.

(3) \* \* \*

(F) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with asbestos of the potentially harmful effects of exposure to asbestos.

(G) The employer shall ensure that contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with subsection (j) of this section.

\*\*\*\*\*

(j) \* \* \*

(1) Hazard communication--general.

(A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for asbestos.

(B) In classifying the hazards of asbestos at least the following hazards are to be addressed: Cancer and lung effects.

(C) Employers shall include asbestos in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of asbestos and to safety data sheets, and is trained in accordance with the requirements of HCS and subsection (j)(7) of this section.

(2) Installed Asbestos Containing Material: Employers and building owners are required to treat installed TSI and sprayed on and troweled-on surfacing materials as ACM in buildings constructed no later than 1980 for purposes of this standard. These materials are designated "presumed ACM" or "PACM", and are defined in subsection (b) of this section. Asphalt and vinyl flooring material installed no later than 1980 also must be treated as asbestos-containing. The employer or building owner may demonstrate that PACM and flooring material do not contain asbestos by complying with subsection (j)(8)(C) of this section.

(3) Duties of employers and building and facility owners.

\*\*\*\*\*

(4) Warning signs.

(A) Posting.

1. Warning signs shall be provided and displayed at each regulated area.

2. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.

(B) Sign specifications:

1. The warning signs required by subsection (j)(4)(A) of this section shall bear the following legend:

DANGER ASBESTOS  
MAY CAUSE CANCER  
CAUSES DAMAGE TO LUNGS  
AUTHORIZED PERSONNEL ONLY

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2. In addition, where the use of respirators and protective clothing is required in the regulated area under this section, the warning signs shall include the following:

**WEAR RESPIRATORS AND PROTECTIVE CLOTHING IN THIS AREA**

3. Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (j)(4)(B)1. of this section:

**DANGER ASBESTOS  
CANCER AND LUNG DISEASE HAZARD  
AUTHORIZED PERSONNEL ONLY**

4. Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (j)(4)(B)2. of this section:

**RESPIRATORS AND PROTECTIVE CLOTHING ARE REQUIRED IN THIS AREA**

(C) The employer shall ensure that employees working in and contiguous to regulated areas comprehend the warning signs required to be posted by subsection (j)(4)(A) of this section. Means to ensure employee comprehension may include the use of foreign languages, pictographs and graphics.

(D) At the entrance to mechanical rooms/areas in which employees reasonably can be expected to enter and which contain ACM and/or PACM, the building owner shall post signs which identify the material which is present, its location, and appropriate work practices which, if followed, will ensure that ACM and/or PACM will not be disturbed. The employer shall ensure, to the extent feasible, that employees who come in contact with these signs can comprehend them. Means to ensure employee comprehension may include the use of foreign languages, pictographs, graphics, and awareness training.

(5) Warning labels.

(A) Labeling: Labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or to their containers. When a building owner or employer identifies previously installed ACM and/or PACM, labels or signs shall be affixed or posted so that employees will be notified of what materials contain ACM and/or PACM. The employer shall attach such labels in areas where they will clearly be noticed by employees who are likely to be exposed, such as at the entrance to mechanical rooms/areas. Signs required by subsection (j) of this section may be posted in lieu of labels so long as they contain information required for labeling.

(B) Label specifications: In addition to the requirements of subsection (j)(1), the employer shall ensure that labels of bags or containers of protective clothing and equipment, scrap, waste, and debris containing asbestos fibers include the following information:

**DANGER  
CONTAINS ASBESTOS FIBERS  
MAY CAUSE CANCER  
CAUSES DAMAGE TO LUNGS  
DO NOT BREATHE DUST  
AVOID CREATING DUST**

(C) Prior to June 1, 2015, employers may include the following information on raw materials, mixtures or labels of bags or containers of protective clothing and equipment, scrap, waste, and

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debris containing asbestos fibers in lieu of the labeling requirements in subsections (j)(1)(A) and (j)(5)(B) of this section:

DANGER  
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD

(6) The provisions for labels and for safety data sheets required by subsection (j) of this section do not apply where:

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 6501.5, 9020, 9021.5, 9030, and 9040, Labor Code.  
Reference: Sections 142.3, 6501.5, 6501.7, 6501.8, 6501.9, 6502, 9003, 9004(b), 9005, 9006, 9009, 9020, 9021.5, 9030, and 9040, Labor Code; and Section 25910, Health and Safety Code.

\*\*\*\*\*

Amend Section 5208, Appendix J as follows:

Appendix J  
Polarized Light Microscopy of Asbestos  
Non-Mandatory

\*\*\*\*\*

3.1. Safety

\*\*\*\*\*

(e) Some of the solvents used, such as THF (tetrahydrofuran), are toxic and should only be handled in an appropriate fume hood and according to instructions given in the Safety Data Sheet (SDS).

\*\*\*\*\*

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

Amend Section 5208.1 as follows:

§5208.1. Non Asbestiform Tremolite, Anthophyllite, and Actinolite.

\*\*\*\*\*

(f) \* \* \*

(3) The employer shall ensure that contaminated clothing shall be transported in sealed impermeable bags or other closed, impermeable containers, and labeled in accordance with section 5208.1(ih).

\*\*\*\*\*

(h) Communication of hazards to employees.

(1) Hazard communication--general.

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(A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for non-asbestiform tremolite, anthophyllite, and actinolite.

(B) In classifying the hazards of non-asbestiform tremolite, anthophyllite, and actinolite, at least the following hazards are to be addressed: cancer and lung effects.

(C) Employers shall include non-asbestiform tremolite, anthophyllite, and actinolite in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of non-asbestiform tremolite, anthophyllite, and actinolite and to safety data sheets, and is trained in accordance with the requirements of HCS and section 5208.1(h)(4).

(2) ~~(h)~~ Caution Warning Signs.

(A)~~(1)~~ Posting. ~~Caution~~ Warning signs shall be provided and displayed at each location where airborne concentrations of non-asbestiform tremolite, anthophyllite, and actinolite fibers may be in excess of the exposure limits prescribed in section 5208.1(a). Signs shall be posted at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs. Signs shall be posted at all approaches to areas containing excessive concentrations of airborne non-asbestiform tremolite, anthophyllite, and actinolite fibers.

(B)~~(2)~~ Sign Specifications.

1. The ~~warning~~ signs required by subsection (h)~~(2)~~~~(A)~~ shall conform to the requirements specified in section 3340(d)(3) of the General Industry Safety Orders and to this subsection. The signs shall display the following legend in the lower panel, with the letter sizes and styles of a visibility at least equal to that specified in this subsection. ~~bear the following legend:~~

DANGER

[MINERAL NAME]

MAY CAUSE CANCER

CAUSES DAMAGE TO LUNGS

AUTHORIZED PERSONNEL ONLY

2. In addition, where the use of respirators and protective clothing is required in the regulated area under this section, the warning signs shall include the following:

WEAR RESPIRATORS AND PROTECTIVE CLOTHING IN THIS AREA

3. Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (h)(2)(B)1. of this section:

— Legend ————— Notation —

[MINERAL NAME].....1" — Sans Serif, Gothic or Block

DUST HAZARD.....3/4" — Sans Serif, Gothic or Block

AVOID BREATHING DUST.....1/4" — Gothic

WEAR ASSIGNED PROTECTIVE EQUIPMENT.....1/4" — Gothic

DO NOT REMAIN IN AREA UNLESS YOUR WORK REQUIRES IT.....1/4" — Gothic

BREATHING [MINERAL NAME] DUST MAY BE HAZARDOUS TO YOUR HEALTH.....14 Point — Gothic

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~~Spacing between lines shall be at least equal to the height of the upper of any two lines.~~

~~(3)(i) Warning~~ **Caution Labels.**

~~(A)(1) Labeling. Caution~~ Labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing non-asbestiform tremolite, anthophyllite, and actinolite fibers or to their containers.

EXCEPTIONS:

1. No label is required where non-asbestiform tremolite, anthophyllite, and actinolite fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne non-asbestiform tremolite, anthophyllite, and actinolite fibers in excess of the exposure limits prescribed in section 5208.1(a) will be released.

2. No label is required for large outdoor storage such as mine ore tailing piles, if properly posted.

~~(B)(2) Label Specifications. In addition to the requirements of subsection (h)(1), the employer shall ensure that labels of bags or containers of protective clothing and equipment, scrap, waste and debris containing non-asbestiform tremolite, anthophyllite, and actinolite fibers include the following information:~~

DANGER CONTAINS [MINERAL NAME] FIBERS

MAY CAUSE CANCER

CAUSES DAMAGE TO LUNGS

DO NOT BREATHE DUST

AVOID CREATING DUST

~~Caution labels required by this subsection shall be conspicuous and legible and shall contain the following or equivalent warning:~~

~~(C) Prior to June 1, 2015, employers may include the following information on raw materials, mixtures or labels of bags or containers of protective clothing and equipment, scrap, waste, and debris containing non-asbestiform tremolite, anthophyllite, and actinolite fibers in lieu of the labeling requirements in subsections (h)(3)(A) and (h)(3)(B) of this section:~~

CAUTION

Contains [Mineral Name] Fibers

Avoid Creating Dust

Breathing [Mineral Name] Dust May Cause

Serious Bodily Harm

(4) Employee Information and Training.

(A) The employer shall institute a training program for, and assure the participation of all employees exposed to non-asbestiform tremolite, anthophyllite, and actinolite such that medical examination are required pursuant to section 5208.1.

EXCEPTION: Employees who are certified as having been trained in an apprenticeship non-asbestiform tremolite, anthophyllite, and actinolite training program meeting all the criteria in section 5208.1.

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(B) Training shall be provided at the time of initial assignment and at least annually thereafter, and the employer shall assure that each employee is informed of the following information in a language that the employee can understand:

1. The nature of all health hazards directly attributable to non-asbestiform tremolite, anthophyllite, and actinolite exposure including carcinogenic hazards.
2. The increased risk of lung cancer associated with smoking cigarettes and non-asbestiform tremolite, anthophyllite, and actinolite exposure.
3. The specific nature of the operations and specific information to aid the employee in recognizing when and where non-asbestiform tremolite, anthophyllite, and actinolite exposure may result.
4. The purpose for and a description of the monitoring program.
5. The purpose for and description of the medical surveillance program.
6. The necessary protective steps to prevent exposure, including engineering controls and safe work practices.
7. Where the employee is required to wear a respirator, the purpose for, proper use and limitations of the respiratory devices.
8. Where protective clothing is required, the purpose for, proper use and limitations of protective devices or clothing.
9. The purpose for and application of housekeeping and personal hygiene practices and procedures to prevent non-asbestiform tremolite, anthophyllite, and actinolite exposure to others.
10. The purpose for, significance of and familiarization with emergency procedures.
11. A review of the provisions of this standard.

(C) Access to Training Materials.

1. The employer shall make a copy of this standard readily available to all affected employees and their representatives.
2. All materials relating to the employee information and training program shall be provided, upon request, to authorized representatives of the Chief of the Division of Occupational Safety and Health or the Chief's authorized representative.

(ij) Medical Surveillance.

(1) Medical Examinations. \* \* \*

(A) The examination shall be conducted within 30 calendar days of the employee's initial assignment, thereafter, as required by section 5208.1(ij)(1)(B)1 or (ij)(1)(B)2, and within 30 calendar days of termination of employment if an examination has not been performed within the year preceding termination.

\*\*\*\*\*

(jk) Employee Notification. \* \* \*

(kl) Reports of Use. \* \* \*

(lm) Transfer of Records.

\*\*\*\*\*

(2) Upon the expiration of the retention period prescribed by section 5208.1(g)(2)(B) and (ji)(2)(B), the employer shall notify the Director, National Institute for Occupational Safety and

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Health at least 3 months prior to any planned disposal of the records and shall transfer those records to the Director if requested within the period.

~~(n) Employee Information and Training.~~

~~(1) Training Program.~~

~~(A) Within 60 days of the effective date of this subsection, the employer shall institute a training program for, and assure the participation of all employees exposed to non-asbestiform tremolite, anthophyllite, and actinolite such that medical examination are required pursuant to section 5208.1~~

~~EXCEPTION: Employees who are certified as having been trained in an apprenticeship non-asbestiform tremolite, anthophyllite, and actinolite training program meeting all the criteria in section 5208.1(n)(1)(B).~~

~~(B) Training shall be provided at the time of initial assignment and at least annually thereafter, and the employer shall assure that each employee is informed of the following information in language that he can understand:~~

- ~~1. The nature of all health hazards directly attributable to non-asbestiform tremolite, anthophyllite, and actinolite exposure including carcinogenic hazards.~~
- ~~2. The increased risk of lung cancer associated with smoking cigarettes and non-asbestiform tremolite, anthophyllite, and actinolite exposure.~~
- ~~3. The specific nature of the operations and specific information to aid the employee in recognizing when and where non-asbestiform tremolite, anthophyllite, and actinolite exposure may result.~~
- ~~4. The purpose for and a description of the monitoring program.~~
- ~~5. The purpose for and description of the medical surveillance program.~~
- ~~6. The necessary protective steps to prevent exposure, including engineering controls and safe work practices.~~
- ~~7. Where the employee is required to wear a respirator, the purpose for, proper use and limitations of the respiratory devices.~~
- ~~8. Where protective clothing is required, the purpose for, proper use and limitations of protective devices or clothing.~~
- ~~9. The purpose for and application of housekeeping and personal hygiene practices and procedures to prevent non-asbestiform tremolite, anthophyllite, and actinolite exposure to others.~~
- ~~10. The purpose for, significance of and familiarization with emergency procedures as described in section 5209(1)(3).~~
- ~~11. A review of the provisions of this standard.~~

~~(2) Access to Training Materials.~~

~~(A) The employer shall make a copy of this standard readily available to all affected employees and their representatives.~~

~~(B) All materials relating to the employee information and training program shall be provided, upon request, to authorized representatives of the Chief of the Division of Occupational Safety and Health.~~

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(b), 9009, 9020, 9030, 9031, and 9040, Labor Code.

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TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4**

Amend Section 5209 as follows:  
§ 5209. Carcinogens.

\*\*\*\*\*

(e) Communication of hazards.

(1) Hazard communication.

(A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for each carcinogen listed in paragraph (e)(1)(D) of this section.

(B) In classifying the hazards of carcinogens listed in paragraph (e)(1)(D) of this section, at least the hazards listed in paragraph (e)(1)(D) are to be addressed.

(C) Employers shall include the carcinogens listed in paragraph (e)(1)(D) of this section in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of the carcinogens listed in paragraph (e)(1)(D) and to safety data sheets, and is trained in accordance with the requirements of HCS and paragraph (e)(4) of this section.

(D) List of Carcinogens:

1. 4-Nitrobiphenyl: Cancer.
2. alpha-Naphthylamine: Cancer; skin irritation; and acute toxicity effects.
3. Methyl chloromethyl ether: Cancer; skin, eye and respiratory effects; acute toxicity effects; and flammability.
4. 3,3'-Dichlorobenzidine (and its salts): Cancer and skin sensitization.
5. bis-Chloromethyl ether: Cancer; skin, eye, and respiratory tract effects; acute toxicity effects; and flammability.
6. beta-Naphthylamine: Cancer and acute toxicity effects.
7. Benzidine: Cancer and acute toxicity effects.
8. 4-Aminodiphenyl: Cancer.
9. Ethyleneimine: Cancer; mutagenicity; skin and eye effects; liver effects; kidney effects; acute toxicity effects; and flammability.
10. beta-Propiolactone: Cancer; skin irritation; eye effects; and acute toxicity effects.
11. 2-Acetylaminofluorene: Cancer.
12. 4-Dimethylaminoazo-benzene: Cancer; skin effects; and respiratory tract irritation.
13. N-Nitrosodimethylamine: Cancer; liver effects; and acute toxicity effects.

(2) Signs.

(A) The employer shall post entrances to regulated areas with signs bearing the legend:

DANGER  
(CHEMICAL IDENTIFICATION)  
MAY CAUSE CANCER  
AUTHORIZED PERSONNEL ONLY

(B) The employer shall post signs at entrances to regulated areas containing operations covered in paragraph (c)(5) of this section. The signs shall bear the legend:

DANGER

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(CHEMICAL IDENTIFICATION)  
MAY CAUSE CANCER

WEAR AIR-SUPPLIED HOODS, IMPERVIOUS SUITS,  
AND PROTECTIVE EQUIPMENT IN THIS AREA  
AUTHORIZED PERSONNEL ONLY

(C) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in paragraph (e)(2)(A) of this section:

CANCER-SUSPECT AGENT  
AUTHORIZED PERSONNEL ONLY

(D) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in paragraph (e)(2)(B) of this section:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA  
IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS AND AIR-SUPPLIED HOOD  
REQUIRED AT ALL TIMES  
AUTHORIZED PERSONNEL ONLY

(E) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas informing employees of the procedures that must be followed in entering and leaving a regulated area.

(F) Prescribed emergency procedures shall be posted in an appropriate location.

(3) Prohibited Statements. No statement shall appear on or near any required sign, label or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(4) Training and Indoctrination.

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.

Amend Section 5210 as follows:

§ 5210. Vinyl Chloride.

\*\*\*\*\*

(I) Communication of Hazards.

(1) Hazard communication--general.

(A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for vinyl chloride and polyvinyl chloride.

(B) In classifying the hazards of vinyl chloride at least the following hazards are to be addressed: Cancer; central nervous system effects; liver effects; blood effects; and flammability.

(C) Employers shall include vinyl chloride in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of vinyl chloride and to safety data sheets, and is trained in accordance with the requirements of HCS and paragraph (j) of this section.

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## (2) Signs.

(A) The employer shall post entrances to regulated areas with legible signs bearing the legend:

DANGER  
VINYL CHLORIDE  
MAY CAUSE CANCER  
AUTHORIZED PERSONNEL ONLY

(B) The employer shall post signs at areas containing hazardous operations or where emergencies currently exist. The signs shall be legible and bear the legend:

DANGER  
VINYL CHLORIDE  
MAY CAUSE CANCER  
WEAR RESPIRATORY PROTECTION  
AND PROTECTIVE CLOTHING IN THIS AREA  
AUTHORIZED PERSONNEL ONLY

(C) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in paragraph (l)(2)(A) of this section:

CANCER-SUSPECT AGENT AREA  
AUTHORIZED PERSONNEL ONLY

(D) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in paragraph (l)(2)(B) of this section:

CANCER-SUSPECT AGENT IN THIS AREA  
PROTECTIVE EQUIPMENT REQUIRED  
AUTHORIZED PERSONNEL ONLY

## (3) Labels.

(A) In addition to the other requirements in this paragraph (l), the employer shall ensure that labels for containers of polyvinyl chloride resin waste from reactors or other waste contaminated with vinyl chloride are legible and include the following information:

CONTAMINATED WITH VINYL CHLORIDE  
MAY CAUSE CANCER

(B) Prior to June 1, 2015, employers may include the following information on labels of containers of polyvinyl chloride resin waste from reactors or other waste contaminated with vinyl chloride in lieu of the labeling requirements in paragraphs (l)(3)(A) of this section:

CONTAMINATED WITH  
VINYL CHLORIDE  
CANCER-SUSPECT AGENT

(4) Prior to June 1, 2015, employers may include the following information for containers of polyvinyl chloride in lieu of the labeling requirements in paragraph (l)(1)(A) of this section:

POLYVINYL CHLORIDE (OR TRADE NAME)  
Contains  
VINYL CHLORIDE  
VINYL CHLORIDE IS A CANCER-SUSPECT AGENT

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(5)(A) Prior to June 1, 2015, employers may include either the following information in either paragraph (l)(5)(A) or (l)(5)(B) of this section on containers of vinyl chloride in lieu of the labeling requirements in paragraph (l)(1)(A) of this section:

**VINYL CHLORIDE  
EXTREMELY FLAMMABLE GAS UNDER PRESSURE  
CANCER-SUSPECT AGENT**

(B) In accordance with 49 CFR Parts 170-189, with the additional legend applied near the label or placard:

**CANCER-SUSPECT AGENT**

(6) No statement shall appear on or near any required sign, label or instruction which contradicts or detracts from the effect of, any required warning, information or instruction.

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.

Amend Section 5211 as follows:

§ 5211. Coke Oven Emissions.

\*\*\*\*\*

(u) Communication of Hazards.

(1) Hazard Communication--General.

The employer shall include coke oven emissions in the program established to comply with the Hazard Communication Standard (HCS) (Section 5194). The employer shall ensure that each employee has access to labels on containers of chemicals and substances associated with coke oven processes and to safety data sheets, and is trained in accordance with the provisions of HCS and subsection (t) of this section. The employer shall ensure that at least the following hazard is addressed: Cancer.

(2) Signs.

(A) The employer shall post signs in the regulated area bearing the legends:

**DANGER  
COKE OVEN EMISSIONS  
MAY CAUSE CANCER  
DO NOT EAT, DRINK OR SMOKE  
WEAR RESPIRATORY PROTECTION IN THIS AREA  
AUTHORIZED PERSONNEL ONLY**

(B) In addition, the employer shall post signs in the areas where the permissible exposure limit is exceeded bearing the legend:

**WEAR RESPIRATORY PROTECTION IN THIS AREA**

(C) The employer shall ensure that no statement appears on or near any sign required by this subsection (u) which contradicts or detracts from the effects of the required sign.

(D) The employer shall ensure that signs required by this subsection (u)(2) are illuminated and cleaned as necessary so that the legend is readily visible.

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(E) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (u)(2)(A) of this section:

**DANGER  
CANCER HAZARD  
AUTHORIZED PERSONNEL ONLY  
NO SMOKING OR EATING**

(F) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (u)(2)(B) of this section:

**DANGER  
RESPIRATOR REQUIRED**

(3) Labels.

(A) The employer shall ensure that labels of containers of contaminated protective clothing and equipment include the following information:

**CONTAMINATED WITH COKE EMISSIONS  
MAY CAUSE CANCER  
DO NOT REMOVE DUST BY BLOWING OR SHAKING**

(B) Prior to June 1, 2015, employers may include the following information on contaminated protective clothing and equipment in lieu of the labeling requirements in subsection (u)(3)(A) of this section:

**CAUTION  
CLOTHING CONTAMINATED WITH COKE EMISSIONS  
DO NOT REMOVE DUST BY BLOWING OR SHAKING**

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.

Amend Section 5212 as follows:

§ 5212. 1,2-Dibromo-3-Chloropropane (DBCP).

\*\*\*\*\*

(j) \* \* \*

(2) \* \* \*

(E) Containers of DBCP-contaminated protective devices or work clothing which are to be taken out of change rooms or the workplace for cleaning, maintenance or disposal, shall bear labels with the following information:

**CONTAMINATED WITH 1,2-Dibromo-3-chloropropane (DBCP), MAY CAUSE CANCER.  
~~MAY CAUSE STERILITY~~ DAMAGE FERTILITY OR THE UNBORN CHILD.**

\*\*\*\*\*

(k) \* \* \*

(1) \* \* \*

(C) \* \* \*

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2. Portable vacuum units used to collect DBCP may not be used for other cleaning purposes and shall be labeled as prescribed by paragraph (j)(2)(E) of this section.

\*\*\*\*\*

(o) Communication of hazards.

(1) Hazard Communication--General.

(A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for DBCP.

(B) In classifying the hazards of DBCP at least the following hazards are to be addressed: Cancer; reproductive effects; liver effects; kidney effects; central nervous system effects; skin, eye and respiratory tract irritation; and acute toxicity effects.

(C) Employers shall include DBCP in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of DBCP and to safety data sheets, and is trained in accordance with the requirements of HCS and paragraph (n) of this section.

(D) The employer shall ensure that no statement appears on or near any sign or label required by this paragraph (o) which contradicts or detracts from the meaning of the required sign or label.

(2) Signs.

(A) The employer shall post signs to clearly indicate all regulated areas. These signs shall bear the legend:

DANGER  
1,2-Dibromo-3-chloropropane  
MAY CAUSE CANCER  
~~MAY CAUSE STERILITY~~ DAMAGE FERTILITY OR THE UNBORN CHILD  
WEAR RESPIRATORY PROTECTION IN THIS AREA  
AUTHORIZED PERSONNEL ONLY

(B) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in paragraph (o)(2) of this section:

DANGER  
1,2-DIBROMO-3-CHLOROPROPANE  
(Insert Appropriate Trade or Common Names)  
  
CANCER HAZARD  
~~MAY CAUSE STERILITY~~ DAMAGE FERTILITY OR THE UNBORN CHILD  
AUTHORIZED PERSONNEL ONLY

RESPIRATOR REQUIRED

(3) Labels.

(A) ~~Where DBCP or products containing DBCP are sold, distributed, or otherwise leave the employer's workplace bearing appropriate labels required by the Environmental Protection Agency (EPA) under the regulations in 40 CFR Part 162, the labels required by this paragraph (o)(3) need not be affixed.~~

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The employer shall assure that precautionary labels are in compliance with paragraph (o)(1)(A), and affixed to all containers of DBCP and of products containing DBCP in the workplace, and that the labels remain affixed when the DBCP or products containing DBCP are sold, distributed, or otherwise leave the employer's workplace. Where DBCP or products containing DBCP are sold, distributed, or otherwise leave the employer's workplace bearing appropriate labels required by the Environmental Protection Agency (EPA) under the regulations in 40 CFR Part 162, the labels required by this paragraph (o)(3) need not be affixed.

(B) The employer shall assure that the precautionary labels required by this paragraph (o)(3) are readily visible and legible.

(C) Prior to June 1, 2015, employers may include the following information on containers of DBCP or products containing DBCP, DBCP-contaminated protective devices or work clothing or DBCP-contaminated portable vacuums in lieu of the labeling requirements in paragraphs (j)(2)(E), (k)(1)(C)2. and (o)(1)(A) of this section:

DANGER

1,2-DIBROMO-3-CHLOROPROPANE

CANCER HAZARD

MAY CAUSE STERILITY

MAY DAMAGE FERTILITY OR THE UNBORN CHILD.

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.

\*\*\*\*\*

Amend Section 5212 Appendix B as follows:

Appendix B

Substance Technical Guidelines for DBCP

\*\*\*\*\*

II. Fire Explosion and Reactivity Hazard Data

A. Fire

\*\*\*\*\*

7. For purposes of complying with the requirements of Group 20 of the General Industry Safety Orders, liquid DBCP is classified as a Category 4 flammable liquid.

\*\*\*\*\*

Amend Section 5213 as follows:

§ 5213. Acrylonitrile.

\*\*\*\*\*

(p) Communication of hazards.

(1) Hazard communication - general.

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(A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for AN and AN-based materials not exempted under paragraph (a)(2) of this section.

(B) In classifying the hazards of AN and AN-based materials at least the following hazards are to be addressed: Cancer; central nervous system effects; liver effects; skin sensitization; skin, respiratory, and eye irritation; acute toxicity effects; and flammability.

(C) Employers shall include AN and AN-based materials in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of AN and AN-based materials and to safety data sheets, and is trained in accordance with the requirements of HCS and paragraph (o) of this section.

(D) The employer shall assure that no statement appears on or near any sign or label required by this paragraph (p) which contradicts or detracts from the required sign or label.

**(2) Signs.**

(A) The employer shall post signs to clearly indicate all workplaces where AN concentrations exceed the permissible exposure limits. The signs shall bear the following legend:

**DANGER  
ACRYLONITRILE (AN)  
MAY CAUSE CANCER  
RESPIRATORY PROTECTION MAY BE  
REQUIRED IN THIS AREA  
AUTHORIZED PERSONNEL ONLY**

(B) The employer shall ensure that signs required by this paragraph (p)(2) are illuminated and cleaned as necessary so that the legend is readily visible.

(C) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in paragraph (p)(2)(A) of this section:

**DANGER  
ACRYLONITRILE (AN)  
CANCER HAZARD  
AUTHORIZED PERSONNEL ONLY  
RESPIRATOR REQUIRED**

**(3) Labels.**

(A) The employer shall assure that precautionary labels are in compliance with paragraph (p)(1)(A) of this section and are affixed to all containers of liquid AN and AN-based materials not exempted under Section 5213(a)(2). The employer shall assure that the labels remain affixed when the materials are sold, distributed, or otherwise leave the employer's workplace.

(B) Prior to June 1, 2015, employers may include the following information on precautionary labels required by this paragraph (p)(3) in lieu of the labeling requirements in paragraph (p)(1) of this section:

**DANGER  
CONTAINS ACRYLONITRILE (AN)  
CANCER HAZARD**

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(C) The employer shall ensure that the precautionary labels required by this paragraph (p)(3) are readily visible and legible.

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.

Amend Section 5214 as follows:  
§ 5214. Inorganic Arsenic.

\*\*\*\*\*

(i) \* \* \*

(2) \* \* \*

(F) Labels on contaminated protective clothing and equipment.

1. The employer shall ensure that the containers of contaminated protective clothing and equipment in the workplace or which are to be removed from the workplace are labeled and that the labels include the following information:

DANGER: CONTAMINATED WITH  
INORGANIC ARSENIC. MAY CAUSE CANCER.  
DO NOT REMOVE DUST BY BLOWING OR SHAKING.  
DISPOSE OF INORGANIC ARSENIC CONTAMINATED  
WASH WATER IN ACCORDANCE WITH APPLICABLE  
LOCAL, STATE OR FEDERAL REGULATIONS.

2. Prior to June 1, 2015, employers may include the following information on containers of protective clothing and equipment in lieu of the labeling requirements in subsection (i)(2)(F) of this section:

CAUTION: Clothing contaminated with inorganic arsenic; do not remove dust by blowing or shaking. Dispose of inorganic arsenic contaminated wash water in accordance with applicable local, State or Federal regulations.

\*\*\*\*\*

(I) Communication of Hazards.

(1) Hazard Communication--General.

(A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for inorganic arsenic.

(B) In classifying the hazards of inorganic arsenic at least the following hazards are to be addressed: Cancer; liver effects; skin effects; respiratory irritation; nervous system effects; and acute toxicity effects.

(C) Employers shall include inorganic arsenic in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of inorganic arsenic and to safety data sheets, and is trained in accordance with the requirements of HCS and subsection (m) of this section.

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(D) The employer shall ensure that no statement appears on or near any sign or label required by this subsection (l) which contradicts or detracts from the meaning of the required sign or label.

(2) Signs.

(A) The employer shall post signs demarcating regulated areas bearing the legend:

DANGER  
INORGANIC ARSENIC  
MAY CAUSE CANCER  
DO NOT EAT, DRINK OR SMOKE  
WEAR RESPIRATORY PROTECTION IN THIS AREA  
AUTHORIZED PERSONNEL ONLY

(B) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (p)(2)(A) of this section:

DANGER  
INORGANIC ARSENIC  
CANCER HAZARD  
AUTHORIZED PERSONNEL ONLY  
NO SMOKING OR EATING  
RESPIRATOR REQUIRED

(C) The employer shall assure that signs required by this section are illuminated and cleaned as necessary so that the legend is readily visible.

(3) Labels.

(A) Prior to June 1, 2015, in lieu of the labeling requirements in subsection (l)(1)(A) of this section, employers may apply precautionary labels to all shipping and storage containers of inorganic arsenic, and to all products containing inorganic arsenic, bearing the following legend:

DANGER  
CONTAINS INORGANIC ARSENIC  
CANCER HAZARD  
HARMFUL IF INHALED OR SWALLOWED  
USE ONLY WITH ADEQUATE  
VENTILATION OR RESPIRATORY PROTECTION

(B) Labels are not required when the inorganic arsenic in the product is bound in such a manner so as to make unlikely the possibility of airborne exposure to inorganic arsenic. (Possible examples of products not requiring labels are semiconductors, light emitting diodes and glass.)

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.

Amend Section 5215 as follows:

§5215. 4,4'-Methylenebis(2-Chloroaniline).

(a) Scope and Application.

\*\*\*\*\*

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(2) This section applies to the manufacture, packaging, repackaging, storage, handling and use of MBOCA, but does not apply to:

\*\*\*\*\*

(B) The storage or transportation of MBOCA in sealed, unbroken containers except for labeling of containers under Section 5215(~~f~~)(4)(j)(3), reporting of use under Section 5215(~~n~~)(1) (m) and preparation of emergency plan under Section 5215(h)(4).

\*\*\*\*\*

(h) Hazardous Operations and Emergencies.

\*\*\*\*\*

(4) \* \* \*

\*\*\*\*\*

(D) Reports shall be made as required by Section 5215(~~n~~)(2)(m).

\*\*\*\*\*

(i) Decontamination and Disposal. All waste contaminated with MBOCA shall be disposed of in accordance with Hazardous Waste Disposal Regulations, Title 22, California ~~Administrative Code of Regulations~~, Sections 60001 through 60283.

\*\*\*\*\*

(3) Decontaminated surfaces shall be retested by wipe samples or fixed with a label showing date and method by which surface was decontaminated, and the label required by Section 5215(~~f~~)(4)(j)(3).

(j) Communication of MBOCA hazards to employees.

(1) Hazard communication - general.

(A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for MBOCA.

(B) In classifying the hazards of MBOCA at least the following hazards are to be addressed: cancer; liver effects; blood effects; kidney effects; and acute toxicity effects.

(C) Employers shall include MBOCA in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of MBOCA and to safety data sheets, and is trained in accordance with the requirements of HCS and subsection (j)(4) of this section.

(2) Signs.

(A) The employer shall post entrances to controlled access areas with legible signs bearing the legend:

DANGER

4,4'-METHYLENEBIS(2-CHLOROANILINE)

MAY CAUSE CANCER

AUTHORIZED PERSONNEL ONLY

(B) The employer shall post signs at areas containing hazardous operations or where emergencies currently exist. The signs shall be legible and bear the legend:

DANGER

4,4'-METHYLENEBIS(2-CHLOROANILINE)

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MAY CAUSE CANCER

WEAR RESPIRATORY PROTECTION AND PROTECTIVE CLOTHING IN THIS AREA

AUTHORIZED PERSONNEL ONLY

(C) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (j)(2)(A) of this section:

CONTROLLED ACCESS AREA

AUTHORIZED PERSONNEL ONLY

4,4'-METHYLENEBIS(2-CHLOROANILINE)

(D) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (j)(2)(B) of this section:

DANGER

HAZARDOUS/EMERGENCY CONDITION

4,4'-METHYLENEBIS(2-CHLOROANILINE)

ENTRY PROHIBITED EXCEPT UNDER EMERGENCY PROCEDURES

(E) Prescribed emergency procedures shall be posted or available in appropriate locations.

(3) Labels.

(A) The employer shall ensure that labels or other appropriate forms of warning are provided for containers of MBOCA within the workplace. The labels shall comply with the requirements of subsection (j)(1) of this section and section 5194(f).

(B) Prior to June 1, 2015, employers may include the following information for containers of MBOCA in lieu of the labeling requirements in subsection (j)(1) of this section:

CAUTION

4,4'-METHYLENEBIS(2-CHLOROANILINE)

AVOID SKIN CONTACT

AVOID BREATHING DUST/VAPOR

REGULATED CARCINOGEN

(C) No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information, or instruction.

(4) Information and Training.

(4) Each employee engaged in an operation or activity where MBOCA is used shall receive an Information and Training Program including the information or requirements of this subsection and precautions for its safe use.

(A)(2) Instruction shall include all information in the Material Safety Data Sheets applicable to the specific MBOCA-containing product to which there is possible exposure. Such a program shall be provided without cost to the employee.

(B)(3) The program shall include:

1.(A) The nature of the carcinogenic hazard, including local and systemic toxicity.

2.(B) The specific nature of the operation involving MBOCA which could result in exposure in excess of the permissible exposure limits and necessary protective steps.

3.(C) The purpose, proper use, and limitations of respiratory protective devices, gloves and protective garments.

4.(D) The purpose for, and application of, decontamination procedures.

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- ~~5.(E)~~ The purpose for, and significance of, emergency practices and procedures.
- ~~6.(F)~~ The employee's specific role in prescribed emergency procedures.
- ~~7.(G)~~ Employee familiarization with the prescribed emergency procedures and rehearsal in their application.
- ~~8.(H)~~ Specific information to aid the employee in recognition of conditions which may result in exposure to MBOCA.
- ~~9.(I)~~ The purpose for, and application of, specific first aid procedures and practices.
- ~~10.(J)~~ The purpose for, and description of, the monitoring program.
- ~~11.(K)~~ The purpose for, and description of, the medical surveillance program.
- ~~12.(L)~~ Employee rights under this section and the CAL/OSHA program.
- ~~13.(M)~~ A review of this section at the employee's first training and indoctrination program and annually thereafter.
- ~~(C)(4)~~ All materials relating to the program shall be provided on request to the Chief or his authorized representative.
- ~~(D)(5)~~ The employer shall make a copy of this section and its appendices readily available to all affected employees.
- (k)\*\*\*

\*\*\*\*\*

(l) ~~Signs and Labels:~~

~~(1) Entrances to controlled access areas shall be posted with legible signs bearing the legend:~~

~~CONTROLLED ACCESS AREA  
AUTHORIZED PERSONNEL ONLY  
4,4' METHYLENEBIS(2-CHLOROANILINE)~~

~~(2) Areas containing hazardous operations or where an emergency currently exists shall be posted with legible signs bearing the legend:~~

~~DANGER  
HAZARDOUS/EMERGENCY CONDITION  
4,4' Methylenebis(2-chloroaniline)  
ENTRY PROHIBITED EXCEPT UNDER EMERGENCY PROCEDURES~~

~~(3) Prescribed emergency procedures shall be posted or available in appropriate locations.~~

~~(4) Containers of MBOCA and of unreacted solutions or mixtures containing more than one percent (1%) of MBOCA shall have a label not inconsistent \* with the following:~~

~~CAUTION  
4,4' METHYLENEBIS(2-CHLOROANILINE)  
AVOID SKIN CONTACT  
AVOID BREATHING DUST/VAPOR  
REGULATED CARCINOGEN~~

~~\* In order to provide legibility, careful and selective shortening of warning statements may be permitted for small containers (1 quart or less) where their size precludes the use of the warning words shown above. In no instance shall the label omit "Regulated Carcinogen."~~

~~(5) No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information, or instruction.~~

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~~(6) Lettering on signs required by this subsection shall be conspicuous and legible.~~

~~(m)~~ Records.

\*\*\*\*\*

(m)~~(n)~~ Reports.\*\*\*

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.

Amend Section 5217 as follows:

§ 5217. Formaldehyde.

(e) \* \* \*

(1) Signs.

(A) The employer shall establish regulated areas where the concentration of airborne formaldehyde exceeds either the TWA or the STEL, and post all entrances and access ways with signs bearing the following legend:

DANGER  
FORMALDEHYDE  
MAY CAUSE CANCER  
CAUSES SKIN, EYE, AND RESPIRATORY IRRITATION  
AUTHORIZED PERSONNEL ONLY

(B) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (e)(1)(A) of this section:

DANGER  
FORMALDEHYDE  
IRRITANT AND POTENTIAL CANCER HAZARD  
AUTHORIZED PERSONNEL ONLY

\*\*\*\*\*

(h) \* \* \*

(2) \* \* \*

(B) When ventilating formaldehyde contaminated clothing and equipment, the employer shall establish a storage area so that employee exposure is minimized.

1. Signs. Storage areas for contaminated clothing and equipment shall have signs bearing the following legend:

DANGER  
FORMALDEHYDE-CONTAMINATED  
(CLOTHING) EQUIPMENT  
MAY CAUSE CANCER  
CAUSES SKIN, EYE AND RESPIRATORY IRRITATION  
DO NOT BREATHE VAPOR  
DO NOT GET ON SKIN

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2. Labels. The employer shall ensure containers for contaminated clothing and equipment are labeled consistent with the Hazard Communication Standard, Section 5194, and shall, as a minimum, include the following:

DANGER  
FORMALDEHYDE-CONTAMINATED  
(CLOTHING) EQUIPMENT  
MAY CAUSE CANCER  
CAUSES SKIN, EYE, AND RESPIRATORY IRRITATION  
DO NOT BREATHE VAPOR  
DO NOT GET ON SKIN

3. Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (h)(2)(B)1. of this section:

DANGER  
FORMALDEHYDE-CONTAMINATED  
(CLOTHING) EQUIPMENT  
AVOID INHALATION AND SKIN CONTACT

4. Prior to June 1, 2015, employers may include the following information on containers of protective clothing and equipment in lieu of the labeling requirements in subsection (h)(2)(B)2. of this section:

DANGER  
FORMALDEHYDE-CONTAMINATED  
(CLOTHING) EQUIPMENT  
AVOID INHALATION AND SKIN CONTACT

\*\*\*\*\*

(j) \* \* \*

(4) Formaldehyde contaminated waste and debris resulting from leaks or spills shall be placed for disposal in sealed containers bearing a label warning of formaldehyde's presence and of the hazards associated with formaldehyde. The employer shall ensure that the labels are in accordance with subsection (m) of this section.

\*\*\*\*\*

(m) Communication of hazards.

(1) Hazard communication – General.

(A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for formaldehyde.

(B) In classifying the hazards of formaldehyde at least the following hazards are to be addressed: Cancer; skin and respiratory sensitization; eye, skin and respiratory tract irritation; acute toxicity effects; and flammability.

(C) Employers shall include formaldehyde in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of formaldehyde and to safety data sheets, and is trained in accordance with the requirements of HCS and subsection (n) of this section.

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(D) Subsections (m)(1)(A), (m)(1)(B), and (m)(1)(C) of this section apply to chemicals associated with formaldehyde gas, all mixtures or solutions composed of greater than 0.1 percent formaldehyde, and materials capable of releasing formaldehyde into the air at concentrations reaching or exceeding 0.1 ppm.

(E) In making the determinations of anticipated levels of formaldehyde release, the employer may rely on objective data indicating the extent of potential formaldehyde release under reasonably foreseeable conditions of use.

(2)(A) In addition to the requirements in subsections (m)(1) through (m)(1)(D) of this section, for materials listed in subsection (m)(1)(D) capable of releasing formaldehyde at levels above 0.5 ppm, labels shall appropriately address all hazards as defined in subsection (d) of Section 5194 and Appendices A and B to Section 5194, including cancer and respiratory sensitization, and shall contain the hazard statement "May Cause Cancer."

(B) As a minimum, for all materials listed in subsection (m)(1)(A) and (D) of this section capable of releasing formaldehyde at levels of 0.1 ppm to 0.5 ppm, labels shall identify that the product contains formaldehyde; list the name and address of the responsible party; and state that physical and health hazard information is readily available from the employer and from safety data sheets.

(C) Prior to June 1, 2015, employers may include the phrase "Potential Cancer Hazard" in lieu of "May Cause Cancer" as specified in subsection (m)(2)(A) of this section.

(n) Employee information and training

\*\*\*\*\*

(3) Training program. The training program shall be conducted in a manner which the employee is able to understand and shall include:

(A) A discussion of the contents of this regulation and the contents of the ~~Material~~ Safety Data Sheet:

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.

Amend Section 5217 Appendix A as follows:

Appendix A to Section 5217  
Substance Technical Guidelines for Formalin

\*\*\*\*\*

Flammability Class (OSHA): Category 4 flammable liquid\_

\*\*\*\*\*

Amend Section 5218 as follows:

§ 5218. Benzene.

\*\*\*\*\*

(j) Communication of Hazards.

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(1) Hazard Communication--General.

(A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for benzene.

(B) In classifying the hazards of benzene at least the following hazards are to be addressed: Cancer; central nervous system effects; blood effects; aspiration; skin, eye, and respiratory tract irritation; and flammability.

(C) Employers shall include benzene in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of benzene and to safety data sheets, and is trained in accordance with the requirements of HCS and subsection (j)(3) of this section.

(2) Warning Signs and Labels.

(A) The employer shall post signs at entrances to regulated areas. The signs shall bear the following legend:

DANGER  
BENZENE  
MAY CAUSE CANCER  
HIGHLY FLAMMABLE LIQUID AND VAPOR  
DO NOT SMOKE  
WEAR RESPIRATORY PROTECTION IN THIS AREA  
AUTHORIZED PERSONNEL ONLY

(B) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (j)(2)(A) of this section:

DANGER  
BENZENE  
CANCER HAZARD  
EXTREMELY FLAMMABLE - NO SMOKING  
AUTHORIZED PERSONNEL ONLY  
RESPIRATOR REQUIRED

(C) The employer shall ensure that labels or other appropriate forms of warning are provided for containers of benzene within the workplace. There is no requirement to label pipes. The labels shall comply with the requirements of subsection (j)(1) of this section and section 5194(f).

(D) Prior to June 1, 2015, employers shall include the following legend or similar language on the labels or other appropriate forms of warning:

DANGER  
CONTAINS BENZENE  
CANCER HAZARD

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.

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Amend Section 5219 as follows:  
§5219. Ethylene Dibromide (EDB).

(a) Scope and Application.

(1) This section establishes requirements for the control of employee exposure to ethylene dibromide (EDB) including exposures which may result after EDB use as a fumigant. Because of the higher risk of harm due to exposure above the permissible exposure limit, noncompliance with subsections (c), (e) through (j~~k~~), and (~~m~~~~n~~) constitutes a real and apparent hazard.

\*\*\*\*\*

(3) \* \* \*

(D) Posting and notification of shipment (subsection (j~~k~~)).

\*\*\*\*\*

(b) Definitions.

\*\*\*\*\*

Supplier. The shipper or shipper's agent who arranges for shipment of treated materials between the point of treatment and the first receiver under the requirements of (~~m~~~~n~~), Receipt of EDB-Treated Materials.

\*\*\*\*\*

(g) Protective Clothing and Equipment.

\*\*\*\*\*

(2) Removal and Storage.

(A) The employer shall require that employees promptly remove any protective equipment and clothing which becomes contaminated with EDB-containing liquids. This clothing and equipment shall not be reworn until it has been decontaminated.

(B) The employer shall assure that EDB-contaminated protective devices and work clothing shall be placed and stored in containers which prevent dispersion of the EDB into the workplace.

(C) The employer shall assure that containers of EDB-contaminated protective devices or work clothing shall bear labels with the legend specified under paragraph (k)(2)(B)-following information:

CONTAMINATED WITH Ethylene Dibromide (EDB)  
MAY CAUSE CANCER  
MAY DAMAGE FERTILITY OR THE UNBORN CHILD

\*\*\*\*\*

(i) Emergency Procedures.

\*\*\*\*\*

(2) \* \* \*

(C) Employees who have eye or skin contact with EDB are decontaminated and given treatment in accordance with paragraph (1) above, and;

\*\*\*\*\*

(j) Communication of EDB hazards to employees.

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(1) Hazard communication - general.

(A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for EDB.

(B) In classifying the hazards of EDB at least the following hazards are to be addressed: Cancer; reproductive effects; liver effects; kidney effects; skin, eye and respiratory tract irritation; and acute toxicity effects.

(C) Employers shall include EDB in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of EDB and to safety data sheets, and is trained in accordance with the requirements of HCS and paragraph (j)(4).

(D) The employer shall ensure that no statement appears on or near any sign or label required by this paragraph (j) which contradicts or detracts from the meaning of the required sign or label.

(2) Warning Signs.

(A) The employer shall post signs to clearly indicate areas where employee exposure may exceed the action level or where liquid EDB or mixtures of greater than 0.1% EDB by weight are transferred or stored.

These signs shall bear the following legend in both Spanish and English:

DANGER  
ETHYLENE DIBROMIDE  
MAY CAUSE CANCER  
MAY DAMAGE FERTILITY OR THE UNBORN CHILD

PELIGRO  
ETHYLENE DIBROMIDE  
RIESGO DE CANCER  
PUEDE REDUCIR LA FERTILIDAD O PUEDE DAÑAR AL FETO

(B) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in paragraph (j)(2) of this section:

DANGER  
ETHYLENE DIBROMIDE  
CANCER HAZARD  
MAY CAUSE STERILITY IN MALES

For instructions concerning safe work practices, contact your employer.

PELIGRO  
ETHYLENE DIBROMIDE  
RIESGO DE CANCER  
PUEDE CAUSAR ESTERILIDAD A LOS HOMBRES

Pida a su patron instrucciones para seguridad en el trabajo.

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(C) Intermodal containers containing EDB-treated materials received at marine terminals shall be conspicuously posted at the door end with a notice equivalent to (j)(2)(A) or the Notification of Shipment required by (j)(3).

(3) Notification of Shipment. All employers shipping or handling material treated with EDB shall provide the recipient of the material with a written notice informing the recipient that the material was treated with EDB and the date of treatment. The notice shall be provided prior to any handling of the treated material by the recipient.

(4) Information and Training.

(A)(1) Each employee who may be exposed at or above the action level regardless of respirator use or work practice, and all employees subject to skin or eye contact with liquid EDB or liquid mixtures containing greater than 0.1% EDB by weight shall be provided a training and education program relating to the hazards of EDB and precautions for its safe use. The employer shall provide initial training prior to working with EDB and at least annually thereafter. The training shall be appropriate to the jobs to which the worker is assigned and presented in a language the employee understands.

(B)(2) The training program shall include and cover:

1.(A) A Material Safety Data Sheet on EDB or the EDB-containing mixture;

NOTE: An MSDS for the chemical or pesticide may be obtained from the manufacturer or seller.

2.(B) Safe work practices on EDB;

3.(C) The purpose for, proper use, and limitations of respiratory protective devices, if such devices are required;

4.(D) The purpose for, proper use, and limitations of personal protective clothing and equipment, if such clothing and equipment are required;

5.(E) The purpose for and a description of the medical surveillance program, if one is required;

6.(F) Emergency procedures as required by subsection (i);

7.(G) The interaction of disulfiram (Antabuse) and similar compounds with EDB; and

8.(H) Section 5219, including employee rights granted by paragraphs (a)(1) and (e)(5).

9.(I) In addition, for uses of EDB as a pesticide, a copy and discussion of the Hazard Evaluation System and Information Service (HESIS) Hazard Alert on EDB.

NOTE: The Hazard Alert is available in both English and Spanish from the Hazard Evaluation System and Information Service (HESIS), California Department of Public Health, 850 Marina Bay Parkway, Building P, 3rd Floor, Richmond, CA 94804, (866) 627-1586. Departments of Health Services and Industrial Relations, 2151 Berkeley Way, Room 504, Berkeley, CA 94704.

~~(k) Signs and Notification of Shipment.~~

~~(1) General.~~

~~(A) The employer may use labels or signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs required by this subsection.~~

~~(B) The employer shall assure that no statement appears on or near any sign required by this subsection which contradicts or detracts from the required sign.~~

~~(2) Posting.~~

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~~(A) The employer shall post a precautionary sign in areas where employee exposure may exceed the action level or where liquid EDB or mixtures of greater than 0.1% EDB by weight are transferred or stored.~~

~~(B) Intermodal containers containing EDB treated materials received at marine terminals shall be conspicuously posted at the door end with a notice equivalent to (k)(2)(C) or the Notification of Shipment required by (k)(3).~~

~~(C) The employer shall assure that the precautionary signs required by this subsection are readily visible, legible, and understood by the employee. The signs shall bear the following legend in both Spanish and English:~~

~~DANGER-~~

~~ETHYLENE DIBROMIDE-~~

~~CANCER HAZARD-~~

~~MAY CAUSE STERILITY IN MALES-~~

~~For instructions concerning safe work practices, contact your employer.~~

~~PELIGRO-~~

~~ETHYLENE DIBROMIDE-~~

~~RIESGO DE CANCER-~~

~~PUEDE CAUSAR ESTERILIDAD A LOS HOMBRES-~~

~~Pida a su patron instrucciones para seguridad en el trabajo.~~

~~(3) Notification of Shipment. All employers shipping or handling material treated with EDB shall provide the recipient of the material with a written notice informing the recipient that the material was treated with EDB and the date of treatment. The notice shall be provided prior to any handling of the treated material by the recipient.~~

~~(k)(4) Recordkeeping. \* \* \*~~

~~(l)(m) Medical Surveillance. \* \* \*~~

\*\*\*\*\*

~~(4) The examining physician shall be provided with:~~

~~(A) The HESIS Hazard Alert or MSDS.~~

\*\*\*\*\*

~~(m)(n) Receipt of EDB-Treated Materials.~~

\*\*\*\*\*

~~(4) Shipping containers shall be clearly labeled in 10 point type or larger as follows:~~

~~This produce has been fumigated with Ethylene Dibromide (EDB) for the control of fruit fly infestation. Procedures approved by Cal/OSHA have been undertaken by the supplier to assure safe exposure levels at this workplace. For further information contact your employer, Cal/OSHA Consultation Service at 1-800-963-9424652-1476, or your local Cal/OSHA office.~~

~~(5) Where the first receiver consolidates EDB-treated materials into intermodal containers, the first receiver shall clearly label the container at the door end with a notice equivalent to that in (m)(3)(n)(3)(A) or the Notification of Shipment required by (jk)(3).~~

~~(6) In addition to procedures outlined in the shipping plan, (m)(1)(A)(n)(4), trucks hauling materials between treatment and the first receiver shall have:~~

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- (A) Trailer vents opened, forward and rear, during the last two hours in transit; and
- (B) Trailer doors opened upon arrival.
- (7) Failure by suppliers to comply with subsection (~~m~~) subjects first receivers, upon notice by the Division, to the full requirements of this section.

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.

Amend Section 5220 as follows:  
§ 5220. Ethylene Oxide.

\*\*\*\*\*

- (j) Communication of Hazards.
  - (1) Hazard communication--general.
    - (A) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (Section 5194) for EtO.
    - (B) In classifying the hazards of EtO at least the following hazards are to be addressed: Cancer; reproductive effects; mutagenicity; central nervous system; skin sensitization; skin, eye and respiratory tract irritation; acute toxicity effects; and flammability.
    - (C) Employers shall include EtO in the hazard communication program established to comply with the HCS (Section 5194). Employers shall ensure that each employee has access to labels on containers of EtO and to safety data sheets, and is trained in accordance with the requirements of HCS and subsection (j)(3) of this section.
  - (2) Signs and Labels.
    - (A) Signs.

1. The employer shall post and maintain legible signs demarcating regulated areas and entrances or access ways to regulated areas that bear the following legend:

DANGER  
ETHYLENE OXIDE  
MAY CAUSE CANCER  
MAY DAMAGE FERTILITY OR THE UNBORN CHILD  
RESPIRATORY PROTECTION AND PROTECTIVE CLOTHING  
MAY BE REQUIRED IN THIS AREA  
AUTHORIZED PERSONNEL ONLY

2. Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (j)(2)(A)1. of this section:

DANGER  
ETHYLENE OXIDE  
CANCER HAZARD AND REPRODUCTIVE HAZARD  
AUTHORIZED PERSONNEL ONLY  
RESPIRATORS AND PROTECTIVE CLOTHING MAY BE  
REQUIRED TO BE WORN IN THIS AREA

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**(B) Labels.**

1. The employer shall ensure that precautionary labels are affixed to all containers the contents of which are capable of causing employee exposure at or above the action level, or the contents of which may reasonably be foreseen to cause employee exposure above the excursion limit and that the labels remain affixed when the containers leave the workplace. For the purposes of this subsection (j)(2)(B), reaction vessels, storage tanks and pipes or piping systems are not considered to be containers.

2. Prior to June 1, 2015, employers may include the following information on containers of EtO in lieu of the labeling requirements in subsection (j)(1)(A) of this section:

a. **DANGER**

**CONTAINS ETHYLENE OXIDE**

**CANCER HAZARD AND REPRODUCTIVE HAZARD;**

b. A warning statement against breathing airborne concentrations of EtO.

(C) The labeling requirements under this section do not apply where EtO is used as a pesticide, as such term is defined in the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C.136 et seq.), when it is labeled pursuant to that Act and regulations issued under that Act by the Environmental Protection Agency.

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.

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Subchapter 18. Ship Building, Ship Repairing and Ship Breaking Safety Orders  
Article 4. Control of Hazardous Work

Amend Section 8358 as follows:

§ 8358. Asbestos.

\*\*\*\*\*

(i) \* \* \*

(3) The employer shall ensure that contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and be labeled in accordance with subsection (k) of this section.

\*\*\*\*\*

(k) \* \* \*

(7) Hazard communication.

(A) Labels shall be affixed to all products containing asbestos and to all containers containing such products, including waste containers. Where feasible, installed asbestos products shall contain a visible label.

(B) General. The employer shall include asbestos in the program established to comply with the Hazard Communication Standard (HCS) (Section 5194). The employer shall ensure that each employee has access to labels on containers of asbestos and safety data sheets, and is trained in accordance with the provisions of the HCS and subsection (k)(9) of this section. The employer shall ensure that at least the following hazards are addressed: Cancer and lung effects.

(C) Labels.

1. The employer shall ensure that labels of bags or containers of protective clothing and equipment, scrap, waste, and debris containing asbestos fibers bear the following information:

DANGER  
CONTAINS ASBESTOS FIBERS  
MAY CAUSE CANCER  
CAUSES DAMAGE TO LUNGS  
DO NOT BREATHE DUST  
AVOID CREATING DUST

2.a. Prior to June 1, 2015, employers may include the following information on raw materials, mixtures or labels of bags or containers of protective clothing and equipment, scrap, waste, and debris containing asbestos fibers in lieu of the labeling requirements in subsections (k)(7)(B) and (k)(7)(C)1. of this section:

DANGER  
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD

b. Labels shall also contain a warning statement against breathing asbestos fibers.

(D) The provisions for labels required in subsection (k)(7) of this section do not apply where:

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1. Asbestos fibers have been modified by a bonding agent, coating, binder, or other material, provided that the manufacturer can demonstrate that, during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers in excess of the permissible exposure limit and/or excursion limit will be released, or
2. Asbestos is present in a product in concentrations less than 1.0 percent.

(8) Signs.

(A) Warning signs that demarcate the regulated area shall be provided and displayed at each location where a regulated area is required to be established by subsection (e) of this section. Signs shall be posted at such a distance from such a location that an employee may read the signs and take necessary protective steps before entering the area marked by the signs.

(B) The warning signs required by subsection (k)(8) of this section shall bear the following legend.

**DANGER  
ASBESTOS  
CANCER AND LUNG DISEASE HAZARD  
AUTHORIZED PERSONNEL ONLY**

(C) In addition, where the use of respirators and protective clothing is required in the regulated area under this section, the warning signs shall include the following:

**WEAR RESPIRATORY PROTECTION  
AND PROTECTIVE CLOTHING IN THIS AREA**

(D) The employer shall ensure that employees working in and contiguous to regulated areas comprehend the warning signs required to be posted by subsection (k)(8) of this section. Means to ensure employee comprehension may include the use of foreign languages, pictographs, and graphics.

(E) When a building/vessel owner or employer identifies previously installed PACM and/or ACM, labels or signs shall be affixed or posted so that employees will be notified of what materials contain PACM and/or ACM. The employer shall attach such labels in areas where they will clearly be noticed by employees who are likely to be exposed, such as at the entrance to mechanical room/areas. Signs required by subsection (k)(6) of this section may be posted in lieu of labels, so long as they contain information required for labeling. The employer shall ensure, to the extent feasible, that employees who come in contact with these signs or labels can comprehend them. Means to ensure employee comprehension may include the use of foreign languages, pictographs, graphics, and awareness training.

(F) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (k)(8)(B) of this section:

**DANGER  
ASBESTOS  
CANCER AND LUNG DISEASE HAZARD  
AUTHORIZED PERSONNEL ONLY**

(G) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subsection (k)(8)(C) of this section:

**RESPIRATORS AND PROTECTIVE CLOTHING ARE**

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REQUIRED IN THIS AREA

\*\*\*\*\*

NOTE: Authority cited: Sections 142.3, 6501.5, 9020, 9021.5, 9030 and 9040, Labor Code.  
Reference: Sections 142.3, 6501.5, 6501.7, 6501.8, 6501.9, 6502, 9003, 9004(b), 9005, 9006,  
9009, 9020, 9021.5, 9030, and 9040, Labor Code; and Section 25910, Health and Safety Code.

Amend Section 8358 Appendix K as follows:

Appendix K  
Polarized Light Microscopy of Asbestos  
Non-Mandatory

\*\*\*\*\*

3.1. Safety

\*\*\*\*\*

(e) Some of the solvents used, such as THF (tetrahydrofuran), are toxic and should only be handled in an appropriate fume hood and according to instructions given in the Safety Data Sheet (SDS).

\*\*\*\*\*

NOTE: Authority cited: Section 142.3. Labor Code. Reference: Section 142.3, Labor Code.

Amend Section 8359 as follows:

§ 8359. Chromium (VI).

\*\*\*\*\*

(g) \* \* \*

(2) \* \* \*

(D) The employer shall ensure that bags or containers of contaminated protective clothing or equipment that are removed from change rooms for laundering, cleaning, maintenance, or disposal shall be labeled in accordance with the requirements of the Hazard Communication Standard, Section 5194.

\*\*\*\*\*

(j) \* \* \*

(1) Hazard communication. The employer shall include chromium (VI) in the program established to comply with the Hazard Communication Standard (HCS) (Section 5194). The employer shall ensure that each employee has access to labels on containers of chromium (VI) and safety data sheets, and is trained in accordance with the provisions of HCS and subsection (j)(2) of this section. The employer shall ensure that at least the following hazards are addressed: Cancer; skin sensitization; and eye irritation.

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**STANDARDS PRESENTATION  
TO**

**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4**

NOTE: Authority cited: Sections 142.3, 9020, 9030 and 9040, Labor Code. Reference: Sections 142.3, 9004(d), 9009, 9020, 9030, 9031 and 9040, Labor Code.