

SB 193 (Monning 2012)

A Collaborative Effort to Transform a Program Need into Law

APHA – November 4, 2015

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Thanks to JULIA QUINT

**CA Department of Public Health
(Retired)**

Julia drafted most of the beginning of the powerpoint. With Fran, Julia developed the strategy to secure passage of SB 193. She and Fran shepherded the bill and Julia testified at all the hearings. Without Julia, this bill would never have passed and been signed by Governor Jerry Brown.



Julia Quint, PhD

HESIS Chief
(through 2009)

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Two Part Program – Part 1

◆ **Gail Bateson will discuss**

- Overview of HESIS
- Establishing the Need for SB 193
 - ◆ Mandates
 - ◆ Contract Project
 - ◆ Customer List Requests
- Precursors to SB 193
 - ◆ HESIS legislative proposal in 2002

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Two Part Program – Part 2

◆ **Fran Schreiber will discuss**

- AB 816 (Lieber 2005)
- SB 193 (Monning 2012)
 - ◆ Groundwork – need established
 - ◆ Sponsorship – avoided lightening rods
 - ◆ Bill language – thoughtful drafting & room for negotiations
 - Amendments – author smart and knew bottom line
 - Testimony – human face of worker victims
 - ◆ Advocacy/lobbying – persistent and controlled

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Two Part Program - Discussion

◆ **What's Next? – Chemical candidates**

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Part 1 – Gail Bateson

HESIS mandates relevant to SB 193

- ◆ **Identify and evaluate health hazards** of workplace chemicals, translate the scientific information into practical language, and disseminate to employers, employees, govt agencies, etc.
- ◆ Serve as an **alert system** for workplace chemical hazards
- ◆ **Recommend legislative changes** related to HESIS function
- ◆ Recommend protective Cal/OSHA standards

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HESIS Chemical Hazard Tracking Project - Overview

- ◆ Conceived and designed by HESIS to identify workplaces where specific chemicals are used in California
- ◆ Evaluate existing systems and recommend one that meets HESIS' needs
- ◆ Implemented through a contract with UCB
COEH Mark Nicas, PhD & Rachael Jones, PhD candidate

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Chemical Hazard Tracking Project (2002) - Objectives

- ◆ Conduct a comprehensive evaluation of existing hazardous materials databases / systems
- ◆ Test effectiveness using 7 chemicals
 - Health effect
 - Regulatory status
 - Usage
 - Novelty
- ◆ Recommend a tracking system that provides information in a cost-effective and timely manner

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Chemical hazard Tracking Systems Evaluated During the Project

- ◆ California
 - Accidental Release Prevention Program (Cal/ARP)
 - Air Toxics Program
 - CalSites
 - Haz Mat Business Plans
- ◆ Other states
 - Oregon State Haz Subs Info
 - Mass Toxics Use Reduction Institute

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Chemical hazard Tracking Systems Evaluated During the Project

◆ National Programs

- NIOSH NOES
- OSHA IMIS
- EPA TRI
- EDF Scorecard

◆ International Product Registers

- Finland
- Norway
- Denmark

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Summary of Health Effects & Regulatory Status of 7 “Test” Chemicals

Chemical	Health Effect	PEL	CA	TAC	TRI
1-Bromopropane	Reproductive	—	—	—	—
Dimethylformamide	Liver; Repro	10 ppm	Yes	Yes	Yes
n-Hexane	Neurological	50 ppm	Yes	Yes	Yes
Methylene Chloride	Carcinogen	25 ppm	Yes	Yes	Yes
N-Methyl Pyrrolidone	Reproductive	—	—	—	Yes
PBDE	Endocrine	—	—	—	—
Polymeric MDI	Asthma	—	—	—	Yes

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Chemical Hazard Tracking Project – Evaluation Criteria

◆ Completeness and Accuracy

- Has all required information
- Information is accurate

◆ Threshold and Breadth

- Small quantities
- Broad variety of chemicals

◆ Ease of use

- User interface easily navigable
- Process is fast

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Chemical Hazard Tracking Project – Evaluation Results – Intl Product Registers

Country	System	Results
Finland	Ministry of Labor collects & registers Safety Data Sheets before sale/use of chemicals/products	◆ Useful model for HESIS if it included a requirement to disclose client lists on demand
Norway	Must declare products with haz. chem. warning on annual basis (100kg or >)	◆ More useful than Finnish Register. Includes industry categories. Annual updates
Denmark	Mandatory registration only for “high risk” chemicals. ~40 % from suppliers.	◆ Not useful model due to voluntary reporting.

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Chemical Hazard Tracking Project – Conclusions

- ◆ **Did not identify an existing chemical tracking system that effectively and efficiently identifies workplace chemical users in California**
- ◆ EPA TRI identifies large industrial and manufacturing facilities that emit high volume chemicals, but fails to identify many new chemicals and small businesses

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Project Recommendations

- ◆ The Norwegian Product Register is a possible model for a new, effective chemical hazard tracking system in CA
- ◆ Computerized Hazardous Materials Business Plan databases maintained by local agencies would significantly improve HESIS' ability to identify CA workplaces where specific chemicals are used

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Requests for CA customer lists

- ◆ HESIS sent letters requesting a list of their CA customers to 96 manufacturers, distributors, and others identified as selling the 7 test chemicals
- ◆ Explained legislative mandate and non-regulatory status
- ◆ Assured confidentiality of the business information
- ◆ **ONLY 6 of 96 sent customer lists**
- ◆ Concluded that **voluntary submission was not a viable way to identify workplaces where chemicals of concern were being used**

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HESIS Legislative Proposal

- ◆ HESIS proposed new legislation that would **mandate submission of CA customer lists for specific chemicals, upon request by HESIS**
- ◆ CDPH approved proposal but Agency denied
- ◆ Assemblywoman Sally Lieber learned of inability to send alerts to specific workplaces from HESIS Annual Report and proposed legislation

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Part 2 – Fran Schreiber Legislation Vetoed in 2005

- ◆ AB 816 (Lieber 2005)
- ◆ Would have required chemical manufacturers, suppliers, distributors, and others to provide HESIS, upon written request, names and addresses of customers for specified toxic chemicals
- ◆ Vetoed by Governor Schwarzenegger (R)

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BILL NUMBER: AB 816 VETO DATE: 09/29/2005

To the Members of the California State Assembly:

I am returning Assembly Bill 816 without my signature. This bill would require chemical manufacturers and importers to provide to the state the names and addresses of businesses to which they sell their products. **This bill is unnecessary and an invasion of privacy.** Employers are currently required to notify their workers about health hazards and to provide a safe and healthy workplace. Other protective measures that ensure worker safety include the Business Plan Hazardous Materials Inventories; the Air Toxics Program; CalSites Database, Unidocs Hazardous Materials Online Inventory Database; and the Wastewater Pretreatment and Pollution Prevention Plans. Employers must also inform their employees of the availability of material safety data sheets (MSDS) relating to any chemical to which the employee may be exposed. Further, **employers routinely undergo Division of Occupational Safety and Health inspections** to ensure that MSDS documents are available for employees. Assembly Bill 816 imposes an unreasonable, labor intensive and duplicative reporting requirement when there are existing programs and standards in place to ensure that employees are protected from hazardous chemical exposure.

Sincerely,

Arnold Schwarzenegger

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Discussion Overview

◆ SB 193 (Monning 2012)

- Sponsorship – avoided lightening rods
- Language – room for negotiations
- Amendments – author knew bottom line
- Testimony – worker victims + expert
- Advocacy – strong and controlled

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FACT SHEET carefully drafted

SENATOR WILLIAM MONNING

**SB 193 – PROVIDING EMPLOYERS
INFORMATION TO PROTECT EMPLOYEES
EXPOSED TO SPECIFIC TOXIC MATERIALS**

when HESIS learns about a serious new or previously
unrecognized health hazard

SEE PDF of Fact Sheet at end

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SB 193 – Key Language Labor Code 147.2(c)(3)

◆ When there is

- new scientific or medical information
- and the Chief of HESIS, in consultation with the Director of Industrial Relations and the Chief of the Division of Environmental and Occupational Disease Control in the State Department of Public Health, determines

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SB 193 – Key Language Labor Code 147.2(c)(3)

◆ [When HESIS Chief] determines that a substance

- ◆ may be in use in a place of employment,
- ◆ may pose a hazard under a reasonable anticipated condition of use, and
- ◆ potentially poses a serious new or unrecognized health hazard to an employee,
 - including, but not limited to, cancer, reproductive or developmental harm, organ system impairment, or death,

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SB 193 – Key Language Labor Code 147.2(c)(3)

- ◆ [When HESIS Chief] **determines...** [then disclose]
 - ◆ chemical manufacturers, formulators, suppliers, distributors, importers, and their agents, as specified in subparagraph (A),
 - ◆ shall provide to HESIS
 - ◆ the names and addresses of their customers who have purchased certain chemicals, as specified by HESIS, or commercial products containing those chemicals

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SB 193 – Key Language Labor Code 147.2(c)(3)

- ◆ [When HESIS Chief] **determines** [then disclose]
 - ◆ and information related to those shipments, including the
 - quantities and
 - dates of shipments, and
 - the proportion of a specified chemical within a mixture containing the specified chemical,

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SB 193 – Key Language Labor Code 147.2(c)(3)

- ◆ [When HESIS Chief] **determines** [then]
 - ◆ upon written request by HESIS,
 - ◆ for every product the final destination of which may be a place of employment in California.
 - ◆ This paragraph shall not apply to a retail seller of the substance, whether sold individually or as part of a commercial product to the public.

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SB 193 – Key Language Labor Code 147.2(c)(3)

- ◆ [When HESIS Chief] determines [then disclose]
 - The following shall apply to this paragraph:
 - (A) [On/after 1/1/2016] current and past customers for not more than a one-year period prior to the date the request is issued. The information shall be provided within a reasonable timeframe, not to exceed 30 calendar days from the date the request is issued. The information shall be provided in a format specified by the State Department of Public Health but consistent with the responding entity's current data system.

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SB 193 – Key Language Labor Code 147.2(c)(3)

◆ [When HESIS Chief] determines [then disclose]

- The following shall apply to this paragraph:
- (B) **[Confidential]** unless, pursuant to other law or regulation the following persons, any other person, or any governmental entity is required to publicly disclose the following information,
 - ◆ the names and addresses of customers,
 - ◆ the quantities and dates of shipments, and
 - ◆ the proportion of a specified chemical within a mixture

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SB 193 – Key Language Labor Code 147.2(c)(3)

◆ [When HESIS Chief] determines [then disclose]

- The following shall apply to this paragraph:
- (B) **[Confidential]** unless already disclosed or required to be disclosed by] chemical manufacturers, formulators, suppliers, distributors, importers, and their agents
 - ◆ HESIS may disclose that information to [others in] State Department of Public Health, [Cal/OSHA], or to [those] in paragraphs (5) [Director of Pesticide Regulation] and (6) [Secretary for Environmental Protection -- **NEW**].
 - ◆ Any officer, employee, or agency to which the information is disclosed shall be subject to this subparagraph.

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SB 193 – Key Language Labor Code 147.2(c)(3)

- ◆ [When HESIS Chief] determines [then disclose]
 - The following shall apply to this paragraph:
 - (C) The State Department of Public Health shall be entitled to reimbursement of attorney's fees and costs incurred in seeking an injunction to enforce this paragraph.

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FACT SHEET - SUMMARY

SB 193 is a **measured bill** designed to provide critical information to California employers and workers who may be exposed to specific toxic chemicals.

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FACT SHEET - SUMMARY (CONTINUED)

When HESIS learns about a **serious new or previously unrecognized health hazard posed by a toxic chemical** and needs to alert employers and employees about controlling the hazard and about safe substitutes, SB 193 will assure that information is forthcoming from chemical manufacturers, formulators, suppliers, distributors, importers and their agents, under conditions of confidentiality.

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FACT SHEET - SUMMARY (CONTINUED)

<SNIP>

The **limited information** SB 193 requires is: a) the names and addresses of California employers who purchased specified toxic chemicals or commercial products containing specified toxic chemicals, b) the amounts purchased, and c) the proportion of the specified toxic material in the mixture, if a mixture.

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FACT SHEET - BACKGROUND

<SNIP> SB 193 supports HESIS' ability to carry out its current mandates.

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FACT SHEET – THE PROBLEM

<SNIP> It is impossible to find those who may be in danger as a result of serious new or previously unrecognized health hazards posed by a toxic chemical. <SNIP> SB 193 supports HESIS with its current task of providing employers and workers with helpful information about specific toxic chemicals, including safe substitutes.

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FACT SHEET – THE SOLUTION

SB 193 is a necessary tool so HESIS may effectively implement its existing legislative mandate to provide information of practical use to employers, employees, and others on the hazards of toxic materials used in workplaces.

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FACT SHEET – THE SOLUTION (CONTINUED)

The information will save staff time by helping HESIS directly locate California employers whose workers are at risk. This bill gives HESIS the authority to obtain information needed to contact the actual employers or others to whom toxic material is being shipped. **It will allow HESIS to set priorities** based on where the largest shipments of greatest concentration are going. Thus HESIS can provide information about toxic materials, to protect California workers exposed to specified toxic substances as the **law already requires.**

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Lessons Learned – Some Essential Elements

◆ Strong groundwork to show need

- Proved no existing system was adequate
- Businesses wouldn't respond voluntarily (only 6 of 96 responded)
- Provided a human face
 - ◆ Testimony of injured (lung transplant) worker(s) exposed to diacetyl whose place of employment not reached because manufacturers would not provide Cal/OSHA or HESIS with names and means to contact California customers.
- HESIS Hazard Alerts were very focused and very toxic and very few over time – and always CORRECT

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Lessons Learned – Some Essential Elements

◆ Careful drafting with room to negotiate

- Avoided requiring regulations to implement the bill
- Vested authority in a true health entity (HESIS) to avoid political veto of any specific chemical
- Argued just want directly to reach employers – particularly small employers – to give them tools to protect their workers (reduce exposure through ventilation, PPE, etc.) – **not an ENFORCEMENT program**
- Gave industry more than a full year to prepare

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Lessons Learned – Some Essential Elements

◆ AB 816 was broader – no limitations:

(3) **Upon written request** by the repository, chemical manufacturers, suppliers, distributors, importers, and their agents **shall provide** to the repository the names and addresses of their customers who have purchased **certain chemicals, as specified by the repository**, or commercial products containing those chemicals.

(A) The names and addresses of customers provided by chemical manufacturers, suppliers, distributors, importers, and their agents pursuant to this paragraph shall be considered confidential and exempt from public disclosure under the California Public Records Act ..., except that those names and addresses may be disclosed to officers or employees of the state not affiliated with the repository who are responsible for carrying out the purposes of Division 5 (commencing with Section 6300).

(B) The State Department of Health Services shall be entitled to reimbursement of attorney's fees and costs incurred in seeking an injunction to enforce the requirements of this paragraph.

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Lessons Learned – Some Essential Elements

◆ Coalition building

■ American Sustainable Business Council

- Avoided individual members of Council (too risky)

■ Experts' support

- Dr Robert Harrison
- WOEMA
- Physicians for Social Responsibility

■ CHANGE coalition

- Environmentalists
- Community groups

■ Labor

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Lessons Learned – Some Essential Elements

- ◆ Patience, patience, patience
 - Took years to accomplish this
- ◆ Controlled lobbying
 - Careful messaging and strict adherence to that message

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Lessons Learned – Some Essential Elements

- ◆ Thoughtful Negotiations
 - Original draft was broader, but starting more narrowly was still a victory
 - Take a long view – we can expand later if needed
 - **Make sure author is smart and knows the bottom line**

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What's Next?

◆ SB 193 Candidate Chemicals

- Initial candidates must be solid because there will be litigation
- HESIS should not take on more than it can handle in terms of outreach for a candidate chemical

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What's Next?

◆ SB 193 Candidate Chemicals

- Make sure the chemicals chosen meet the legislative requirement – that there is a
 - ◆ serious
 - ◆ new or previously unrecognized
 - ◆ health hazard
- posed by a toxic chemical

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	HESIS Hazard Alerts 1979 - 2014	Relevant to SB 193?
1	Polychlorinated biphenys (PCBs)	NO - not "workplace chemical"
2	Ethylene Dibromide	YES - but had specific use and HESIS knew where to send alerts
3	Methyl Bromide	YES - but had specific use and HESIS knew where to send alerts
4	Methylene Chloride	YES
5	Perchloroethylene	YES
6	Trichloroethylene	YES
7	Ethylene Oxide	YES - but had specific use and HESIS knew where to send alerts
8	Chromium-6	YES
9	n-Hexane use in vehicle repair	YES - but since targeted, knew where to send alerts
10	1-Bromopropane	YES
11	Diesel Exhaust	NO - not "workplace"
12	Formaldehyde	YES
13	Cycloheximide	YES - but had specific use and HESIS knew where to send alerts
14	Ribavirin	YES - but had specific use and HESIS knew where to send alerts
15	N-Methyl Pyrrolidone	YES
16	Glycol Ethers	YES
17	Diacetyl	YES
18	Methylene chloride in paint stripping	YES - but since targeted, knew where to send alerts
19	Shared Tagging and bloodborne pat	NO - not "workplace"
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APPENDIX

- ◆ California Labor Code 147.2 establishing HESIS
- ◆ Final version of SB 193 with strike outs and new language in red (LC 147.2 (c) and Section 3)
- ◆ Fact Sheet for lobbying SB 193

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Appendix - Labor Code 147.2 (a) + (b) (paraphrased)

- ◆ 147.2. (a) As used in this section, “Hazard Evaluation System and Information Service” or “HESIS” means the repository established pursuant to subdivision (b).
- ◆ (b) In accord with Labor Code 6350 et. seq. and Health & Safety Code 105175, HESIS is created by an interagency agreement between the CA Dept Public Health and Dept of Industrial Relations to be a repository of current data on toxic materials and harmful physical agents in use or potentially in use in places of employment in the state.

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Appendix – LC 6350 mandates

- LC 6350 et. seq. mandates:
 - ◆ education related to occupational safety and health
 - in-service at Cal/OSHA
 - for employers and employees
 - via publications, conferences, etc.
 - ◆ research to improve employee occupational safety and health

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Appendix – H&S 10575 mandates

- H&S 105175 mandates:
 - ◆ investigations into causes of morbidity and mortality from work-induced diseases
 - ◆ recommendations for improved control of work-induced diseases
 - ◆ maintenance of thorough knowledge of effects of industrial chemicals and work practices on the health of California workers
 - ◆ technical assistance re occupational disease prevention and control
 - ◆ collection and summarization of statistics describing the causes and prevalence of work-induced diseases in California

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Appendix - Labor Code 147.2 (c)(1)

- ◆ (c) HESIS shall fulfill all of the following functions:
 - (1) **Provide reliable information** of practical use to employers, employees, representatives of employees, and other governmental agencies on the possible hazards to employees of exposure to toxic materials or harmful physical agents.

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Appendix - Labor Code 147.2 (c)(2)

◆(c) HESIS shall fulfill all of the following functions:

- (2) **Collect and evaluate toxicological and epidemiological data and any other information** that may be pertinent to establishing harmful effects on health of exposure to toxic materials or harmful physical agents. Nothing in this subdivision shall be construed as authorizing HESIS to require employers, other than chemical manufacturers, formulators, suppliers, distributors, importers, and their agents, to report any information not otherwise required by law.

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Appendix - Labor Code 147.2 (c)(3) (paraphrased)

◆(c) HESIS shall fulfill all of the following functions:

- (3) **NEW per SB 193** With a written request, and under certain circumstances, obtain customer lists and other information from manufacturers and supply chain

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Appendix - Labor Code 147.2 (c)(3) (paraphrased)

- ◆ (d) Advisory committee
- ◆ (e) CDPH can propose OSH standards to OSH Stanadrds Board
- ◆ (f) P&Ps so HESIS doesn't duplicate other federal / state agencies
- ◆ (g) Annual report

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FINAL VERSION of SB 193

(c) **HESIS** ~~The repository~~ shall fulfill all of the following functions:

(1) Provide reliable information of practical use to employers, employees, representatives of employees, and other governmental agencies on the possible hazards to employees of exposure to toxic materials or harmful physical agents.

(2) Collect and evaluate toxicological and epidemiological data and any other information that may be pertinent to establishing harmful effects on health of exposure to toxic materials or harmful physical agents. Nothing in this subdivision shall be construed as authorizing HESIS ~~the repository~~ to require employers, **other than chemical manufacturers, formulators, suppliers, distributors, importers, and their agents**, to report any information not otherwise required by law.

(3) When there is new scientific or medical information and the Chief of HESIS, in consultation with the Director of Industrial Relations and the Chief of the Division of Environmental and Occupational Disease Control in the State Department of Public Health, determines that a substance may be in use in a place of employment, may pose a hazard under a reasonable anticipated condition of use, and potentially poses a serious new or unrecognized health hazard to an employee, including, but not limited to, cancer, reproductive or developmental harm, organ system impairment, or death, chemical manufacturers, formulators, suppliers, distributors, importers, and their agents, as specified in subparagraph (A), shall provide to HESIS the names and addresses of their customers who have purchased certain chemicals, as specified by HESIS, or commercial products containing those chemicals and information related to those shipments, including the quantities and dates of shipments, and the proportion of a specified chemical within a mixture containing the specified chemical, upon written request by HESIS, for every product the final destination of which may be a place of employment in California. This paragraph shall not apply to a retail seller of the substance, whether sold individually or as part of a commercial product to the public. The following shall apply to this paragraph:

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FINAL VERSION of SB 193

(c) ~~HESIS The repository~~ shall fulfill all of the following functions:

(3) continued

(A) On or after January 1, 2016, the information requested shall include current and past customers for not more than a one-year period prior to the date the request is issued. The information shall be provided within a reasonable timeframe, not to exceed 30 calendar days from the date the request is issued. The information shall be provided in a format specified by the State Department of Public Health but consistent with the responding entity's current data system.

(B) Unless, pursuant to other law or regulation the following persons, any other person, or any governmental entity is required to publicly disclose the following information, the names and addresses of customers, the quantities and dates of shipments, and the proportion of a specified chemical within a mixture provided by chemical manufacturers, formulators, suppliers, distributors, importers, and their agents pursuant to this paragraph shall be considered confidential and, except as specified in this subparagraph, exempt from public disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code). HESIS may disclose that information to officers or employees of the State Department of Public Health, to officers or employees of the state who are responsible for carrying out the purposes of Division 5 (commencing with Section 6300), or to the state agencies of the state officers specified in paragraphs (5) and (6). Any officer, employee, or agency to which the information is disclosed shall be subject to this subparagraph.

(C) The State Department of Public Health shall be entitled to reimbursement of attorney's fees and costs incurred in seeking an injunction to enforce this paragraph.

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FINAL VERSION of SB 193

(c) ~~HESIS The repository~~ shall fulfill all of the following functions:

(4) ~~(3)~~ Recommend to the Chief of the Division of Occupational Safety and Health Administration that an occupational safety and health standard be developed whenever it has been determined that a substance in use or potentially in use in places of employment is potentially toxic at the concentrations or under the conditions used.

(5) ~~(4)~~ Notify the Director of Pesticide Regulation ~~Food and Agriculture~~ of any information developed by HESIS ~~the repository~~ that is relevant to carrying out his or her responsibilities under Chapters 2 (commencing with Section 12751) and 3 (commencing with Section 14001) of Division 7 of the Food and Agricultural Code.

(6) **Notify the Secretary for Environmental Protection of any information developed by HESIS that is relevant to carrying out his or her responsibilities.**

(d) The Director of Industrial Relations shall appoint an Advisory Committee to ~~HESIS the repository~~. The advisory committee shall consist of four representatives from labor, four representatives from management, four active practitioners in the occupational health field, and three persons knowledgeable in biomedical statistics or information storage and retrieval systems. The advisory committee shall meet on a regular basis at the request of the director. The committee shall be consulted by, and shall advise the director at each phase of the structuring and functioning of the repository and alert system with regard to, the procedures, methodology, validity, and practical utility of collecting, evaluating, and disseminating information concerning hazardous substances, consistent with the primary goals and objectives of ~~HESIS the repository~~.

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(e) Nothing in this section shall be construed to limit the ability of the State Department of Health Services to propose occupational safety and health standards to the Occupational Safety and Health Standards Board.

(f) Policies and procedures shall be developed to assure, to the extent possible, that **HESIS the repository** uses and does not duplicate the resources of the federal government and other states.

(g) On or before December 31 of each year, the Department of Industrial Relations shall submit a report to the Legislature detailing the implementation and operation of **HESIS the repository** including, but not limited to, the amount and source of funds allocated and spent on repository activities, the toxic materials and harmful physical agents investigated during the past year and recommendations made concerning them, actions taken to inform interested persons of the possible hazards of exposure to toxic materials and harmful physical agents, and any recommendations for legislative changes relating to the functions of **HESIS the repository**.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which amends Section 6276.12 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the names and addresses of customers who have purchased chemicals from chemical manufacturers, formulators, suppliers, distributors, importers, and their agents, the quantities and dates of shipments, and the proportion of a specified chemical within a mixture, it is necessary that lists line 2 containing that information be exempt from disclosure, as provided in Section 147.2 of the Labor Code, under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

SENATOR WILLIAM MONNING

SB 193 – PROVIDING EMPLOYERS INFORMATION TO PROTECT EMPLOYEES EXPOSED TO SPECIFIC TOXIC MATERIALS

WHEN HESIS LEARNS ABOUT A SERIOUS NEW OR PREVIOUSLY UNRECOGNIZED HEALTH HAZARD

SUMMARY

SB 193 is a measured bill designed to provide critical information to California employers and workers who may be exposed to specific toxic chemicals. When HESIS learns about a serious new or previously unrecognized health hazard posed by a toxic chemical and needs to alert employers and employees about controlling the hazard and about safe substitutes, SB 193 will assure that information is forthcoming from chemical manufacturers, formulators, suppliers, distributors, importers and their agents, **under conditions of confidentiality.** The Hazard Evaluation System and Information Service - HESIS – is a government agency maintained jointly by the Dept of Industrial Relations and the Dept of Public Health. The limited information SB 193 requires is: **a) the names and addresses of California employers** who purchased specified toxic chemicals or commercial products containing specified toxic chemicals, **b) the amounts purchased,** and **c) the proportion of the specified toxic material in the mixture,** if a mixture.

BACKGROUND

In 1978 the Legislature established HESIS to provide reliable information to employers and employees on the potential hazards to employees of exposure to toxic materials and harmful physical agents and to collect and evaluate related toxicological and epidemiological data. HESIS also recommends to the Chief of the Division of Occupational Safety and Health Administration when standards should be developed to address potential workplace exposure risks. HESIS tracks new scientific and medical information which it uses to provide early warnings concerning hazards, such as cancer, reproductive or developmental harm, and organ system impairment such as serious lung disease. **SB 193 supports HESIS' ability to carry out its current mandates.**

PROBLEM

In the absence of a robust federal policy on chemicals, California has encountered many difficulties when addressing the exposure of California workers to toxic chemicals. Too often, protection only comes after serious damaging effects to workers' health.

It is impossible to find those who may be in danger as a result of serious new or previously unrecognized health hazards posed by a toxic chemical. There currently is no information in usable form that tracks toxic chemical purchases and the workplaces in which toxic chemicals are used. Discovering these workplaces to provide warnings and information is very difficult when products are used in many different settings.

SB 193 supports HESIS with its current task of providing employers and workers with helpful information about specific toxic chemicals, including safe substitutes.

SOLUTION

SB 193 is a necessary tool so HESIS may effectively implement its existing legislative mandate to provide information of practical use to employers, employees, and others on the hazards of toxic materials used in workplaces. **The information will save staff time by helping HESIS directly locate California employers whose workers are at risk.** This bill gives HESIS the authority to obtain information needed to contact the actual employers or others to whom toxic material is being shipped. It will allow HESIS to set priorities based on where the largest shipments of greatest concentration are going. Thus HESIS can provide information about toxic materials, to protect California workers exposed to specified toxic substances as the law already requires.

Getting information directly to the employers who need it – and then from the employers to their employees – is the most effective approach.

Specifically, SB 193 will:

1) Require certain entities to provide specified customer information (see Summary Section); and 2) Assure that provided information, not made public by another law or regulation, is kept confidential under the California Public Records Act.

POSITIONS

Support:

- American Public Health Association
Occupational Safety & Health Section
- American Sustainable Business Council
- Bay Area Healthy 880 Communities
- Breast Cancer Fund
- California Conference Board of the
Amalgamated Transit Union
- California Healthy Nail Salon Collaborative
- California Labor Federation AFL-CIO
- California Nurses Association
- California Rural Legal Assistance Fdn
- California State Association of Occupational
Health Nurses
- California Teamsters Public Affairs Council
- Californians for a Healthy & Green Economy
- Central Coast School Food Alliance
- Clean Water Action California
- Consumer Attorneys of California
- CWA Communications Workers America
District 9
- IAMAW California Conference of Machinists
- IFPTE Local 20 Engineers & Scientists of
California
- IFPTE Local 21 Professional and Tech Engineers
- ILWU International Longshore & Warehouse
Union Northern CA District Council
- ILWU International Longshore & Warehouse
Union Southern CA District Council
- ILWU Local 26 International Longshore &
Warehouse Union
- Mujeres Unidas y Activas

- NLG Labor + Employment Committee of the
National Lawyers Guild
- Physicians for Social Responsibility
- SEIU Service Employees Intl Union California
- SEIU Local 121RN Service Employees Intl Union
- Silicon Valley Toxics Coalition
- State Building & Construction Trades Council of
California
- UNITE-HERE
- UFCW United Food and Commercial Workers
Western States Council
- Utility Workers of America
- Western Occupational & Environmental
Medical Association
- WORKSAFE

Neutral:

- American Chemistry Council
- American Cleaning Institute
- American Coatings Association
- California Chamber of Commerce
- California Grocers Association
- California Healthcare Institute
- CA Independent Oil Marketers Association
- California League of Food Processors
- California Manufacturers and Technology
Association
- California Service Station and Automotive
Repair Association
- Chemical Industry Council of California
- Consumer Specialty Products Association
- National Association of Chemical Distributors
- National Federation of Independent Business
- Society of Chemical Manufacturers & Affiliates
- SPI: The Plastics Industry Trade Association
- Styrene Information & Research Center
- Toy Industry Association
- Western Plant Association

FOR MORE INFORMATION

Contact: Kathy Smith
Updated: 8/21/2014



1401 New York Ave., N.W., Suite 1225
Washington, D.C. 20005
202-595-9302
www.asbcouncil.org

June 19, 2013

Via FAX (916) 319-2188

Assembly Member Bob Wieckowski,
Chair, Assembly Judiciary Committee
1020 N Street Room 104
Sacramento, CA 95814

Re: SB 193 – SUPPORT

The American Sustainable Business Council is writing to express our support for SB 193 – Assisting Employers to Protect Employees Exposed to Toxic Materials.

The American Sustainable Business Council is a growing coalition of business networks and businesses committed to public policies that cultivate a vibrant, just and sustainable economy. Our partner organizations represent over 160,000 businesses and social enterprises and more than 300,000 entrepreneurs, owners, executive, investors and business professionals in California and around the county.

We are concerned that current law [[Labor Code 147.2\(b\)\(1\)](#)] gives HESIS a mandate it cannot fulfill -- provide information of practical use to our members, and other California employers, employees, and others about toxic workplace hazards. Our members want HESIS to be able to find out where toxics are used in California, so it can provide the early warnings we need as responsible employers.

We contend that there is a strong business case for this bill. Today's business leaders are concerned about the health and business impacts that can arise if the products they use or sell contain toxic chemicals, as well as the toxic chemical exposures that may occur to their employees and others as a result of their supply chains. Dealing with hazardous chemicals is costly to businesses on many fronts. That's why leading companies are highly motivated to identify and use safer alternatives to toxic chemicals. Transparency is the first step in this process.

This bill provides HESIS the ability to request information from manufacturers, suppliers, etc., as needed, to fulfill HESIS' existing mandate to provide reliable information of practical use to employers, employees, etc., about possible hazards to employees from exposure to toxic materials or harmful physical agents.

This bill is consistent with the data that we have been collecting from independent polls of small business owners. It is also important to note that that this data transcends party lines; 47% of the respondents were Republican, 27% Democratic and 23% Independent.

- 82% believe that business should be required to share chemical ingredient information all along the manufacturing supply chain;
- 75% support stricter regulations of chemicals used in everyday products;
- 73% support government regulations to ensure the products companies buy and sell are non-toxic; and
- 91% support chemical manufacturers being held responsible for ensuring their chemicals are safe.

SB 193 will contribute toward clarity in the workplace and marketplace, and build trust amongst the public as well as between businesses and their employees; all of which will be good for businesses' financial bottom line. Workers are often exposed to toxics whose health effects are not all known, making HESIS's ability to act quickly and efficiently vital to protect workers' health and safety and prevent disruptions in the supply chains, again providing benefits to business.

Passage of this bill can drive the supply of much-needed information that businesses need to make sound decisions, leading to business growth and job creation in California.

We therefore urge passage of SB 193.

Sincerely,

A handwritten signature in cursive script that reads "David Levine".

David Levine, CEO

Cc: Assembly Judiciary Committee Members



1401 New York Ave., N.W., Suite 1225
Washington, D.C. 20005
202-595-9302
www.asbcouncil.org

December 18, 2013

Via FAX (916) 319-2181

Assembly Member Mike Gatto, Chair
Assembly Appropriations Committee
State Capitol Room 2114
Sacramento, CA 95814

Re: SB 193 - SUPPORT

The American Sustainable Business Council is writing to express our support for SB 193, which will significantly assist employers to protect employees exposed to toxic materials reducing administrative, civil and even potential criminal liability for our members as well as most other businesses.

The American Sustainable Business Council is a growing coalition of business organizations and businesses committed to public policies that cultivate a vibrant, just and sustainable economy. Together we represent over 200,000 businesses and social enterprises and more than 350,000 entrepreneurs, owners, executive, investors and business professionals in California and around the county.

SB 193 will give the Hazard Evaluation System & Information Service the ability to reach our businesses when there is a serious new or unrecognized health hazard posed by a toxic chemical or a product containing it. Although we receive Safety Data Sheets from manufacturers and distributors, the sheets rarely contain the newest information about serious hazards and **never contain information about safer substitutes.**

HESIS currently has the authority to issue hazard alerts without pre-conditions, as this public health agency should.

SB 193 gives HESIS the ability to share their valuable information directly with those who need it because HESIS will be able to inquire as to where specific toxics are being shipped in California. Right now, HESIS' inquiries go unanswered. Without contact information, HESIS can only post critical warnings on the web. And without direct contact by HESIS, our members won't even know a problem exists and cannot benefit from the valuable and free information HESIS has to offer.

SB 193 allows HESIS more effectively to fulfill its existing mandate – to provide information of practical use to our members, and other California employers, employees, and others about toxic workplace hazards. As responsible employers, we want early warnings about toxic chemicals. **And we want to know about safer substitutes.** Small businesses in particular are often without the staff to track these problems and need all the additional support that they can get.

We contend that there is a strong business case for this bill. Today's business leaders are concerned about the health and business impacts that can arise if the products they use or sell contain toxic chemicals, as well as the toxic chemical exposures that may occur to their employees and others as a

result of their supply chains. Dealing with hazardous chemicals is costly to businesses on many fronts. That is why leading companies are highly motivated to identify and use safer alternatives to toxic chemicals. Access to information and transparency are the first steps in this process.

This bill is consistent with the data that we have been collecting from independent polls of small business owners. It is also important to note that this data transcends party lines; 47% of the respondents were Republican, 27% Democratic and 23% Independent.

- * 82% believe that business should be required to share chemical ingredient information all along the manufacturing supply chain;

- * 75% support stricter regulations of chemicals used in everyday products;

- * 73% support government regulations to ensure the products companies buy and sell are non-toxic; and

- * 91% support chemical manufacturers being held responsible for ensuring their chemicals are safe.

SB 193 will contribute toward clarity in the marketplace and the workplace, and build trust amongst the public as well as between businesses and their employees; all of which will be good for businesses' financial bottom line. Workers are often exposed to toxics whose health effects are not all known, making HESIS's ability to act quickly and efficiently vital to protect workers' health and safety and prevent disruptions in the supply chains, again providing benefits to business.

There is no downside to SB 193 for employers in California who use toxic chemicals. HESIS provides its services for free. HESIS is not an enforcement agency. The early warning information protects us from workers' compensation claims should our employees become ill or die as a result to being exposed to a dangerous toxic chemical.

Customer lists are kept confidential. SB 193 sufficiently addresses the privacy concerns of our suppliers and our members who utilize chemicals in the products they produce and distribute.

This moderate bill addresses the most significant and dangerous toxic chemicals that come to the attention of HESIS – it does not result in unwarranted government intrusion. We understand there have been **ONLY 5 alerts or advisories in the last decade** – and one of those was for a matter that wouldn't have been covered by SB 193.

The benefit to our member and all businesses far outweighs any possible burden if worker health is protected AND potential employer liability is reduced.

Passage of this bill can drive the supply of much-needed information that businesses need to make sound decisions, leading to business growth and job creation in California. **We therefore urge passage of SB 193.**

Finally, our members in southern California would be grateful for an opportunity to speak with you in person about why this bill is important to us. Please let us know if we can arrange a meeting with you in your District Office in January.

Sincerely,



David Levine, CEO

Diacetyl (Butter Flavor Chemical) Use in Flavoring Manufacturing Companies

Exposure to diacetyl used in flavoring manufacturing companies may cause a serious lung disease called bronchiolitis obliterans. Workers from two California flavoring companies that use diacetyl have been diagnosed with this disease. Damage to the lungs can be permanent, can require a lung transplant, and can lead to death. The main symptoms are a persistent cough and shortness of breath when using extra energy (such as walking fast or up a slight hill) and wheezing when you do not have a cold. The symptoms do not go away in the evenings, on weekends, and on vacations. They can start gradually and get worse over time, or they can suddenly be very severe. Doctors sometimes think the symptoms are due to asthma, chronic bronchitis, emphysema, pneumonia, or smoking. If you work at a flavoring company that uses diacetyl, see a doctor immediately to make sure that your health is not being affected. Take this information sheet with you. Your company should follow the recommendations on page 2 to reduce exposure to diacetyl and other flavoring chemicals.

**Health
Hazard
ALERT**

How to know if you are working with diacetyl

Diacetyl is a yellowish liquid that is usually mixed with other ingredients to produce butter flavor or other flavors in a variety of food products. If you think diacetyl is used in your workplace, read labels on containers and ask to see a Material Safety Data Sheet (MSDS). The MSDS must list diacetyl in Section 2 by the Chemical Abstract Service (CAS) number 431-03-8. Cal/OSHA's Hazard Communication Standard (Title 8, Section 5194), requires your employer to tell you if you are using diacetyl, and to train you on the health hazards and how to use it safely.

How you are exposed to diacetyl

Diacetyl enters your body when you breathe vapors, droplets of spray, or dust containing diacetyl in the air.

Your risk of health effects depends on how much diacetyl enters your body. The amount of diacetyl in the air and how long you are exposed, determines how much enters your body.

How diacetyl can affect your health

Lungs. Diacetyl can damage your lungs. Symptoms include a dry cough, shortness of breath when using extra energy, and wheezing. The symptoms can start gradually, or severe symptoms can occur suddenly. The symptoms continue when you are not at work. Asthma medicines are not effective. Some workers do not have symptoms. See Medical Tests (page 2). Diacetyl damages the respiratory system of test animals.

Eyes, nose, and throat. Diacetyl vapors can sting or burn your eyes. They can cause your nose and throat to burn and feel sore. Eye contact with vapors can also cause chemical burns which require medical treatment to heal.

Skin. Diacetyl can irritate the skin. It can cause a rash with dryness, redness, flaking, and cracking of the skin.

Cancer and reproductive effects. Diacetyl has not been tested for these effects. Reducing exposure (page 2) to prevent lung disease will help to protect you.



HAZARD EVALUATION SYSTEM & INFORMATION SERVICE
Occupational Health Branch
California Department of Health Services
850 Marina Bay Parkway, Building P, Third Floor, Richmond, CA 94804
866-282-5516 • www.dhs.ca.gov/ohb

AUGUST 2006

California Department of Health Services • California Department of Industrial Relations

Medical tests for health effects

Breathing tests (spirometry) that measure how well your lungs are working, and a respiratory symptom questionnaire, are the best ways to detect bronchiolitis obliterans and other serious lung disease. Early detection is critical. You should have a lung function test before you begin working in a company that uses diacetyl and on a regular basis while you are working.

How to reduce exposure to diacetyl

Substitution. Less hazardous flavoring ingredients should be used whenever possible. Make sure that substitutes are safe.

Closed production processes. Handling open containers of diacetyl and other flavoring ingredients should be avoided.

Ventilation. Maintain air levels of diacetyl as low as possible using local exhaust ventilation. A safe exposure level has not been identified.

Respiratory protection. Respirators should be used until ventilation and other controls are determined to be effective. Use NIOSH-approved air-purifying respirators with organic vapor cartridges and particulate filters, or supplied-air respirators. Employers must comply with the Cal/OSHA Respiratory Protection Standard (Title 8, Section 5144). See

www.dir.ca.gov/title8/5144.html

Skin and eye protection. Employers must provide protective gloves, goggles, and other protective equipment.

WHERE TO GET HELP

- ▶ **HESIS** can answer questions about diacetyl, other workplace hazards, and information in this fact sheet. Call (866) 282-5516.
- ▶ **California Division of Occupational Safety and Health (Cal/OSHA)** investigates workers' complaints and makes enforcement inspections. Complainants' identities are kept confidential. Call the nearest office to your workplace, or see www.dir.ca.gov/DOSH/districtoffices.htm
- ▶ **Cal/OSHA Consultation Service** helps employers who want free, non-enforcement help to evaluate the workplace and improve health and safety conditions. Flavoring companies can call (562) 944-9366.
- ▶ **National Institute for Occupational Safety and Health (NIOSH).** See www.cdc.gov/niosh/topics/flavorings/
- ▶ **Occupational health services can be found at:**
 - University of California (UC)
San Francisco: (415) 885-7580
 - UC Davis: (530) 754-7635
 - UC Irvine: (949) 824-8641
 - UC San Diego: (619) 471-9210
 - UCLA: (310) 794-8144

- ▶ **Flavor and Extract Manufacturers Association of the United States (FEMA).** See www.femaflavor.org/html/public/RespiratoryRpt.pdf

REGULATIONS THAT HELP TO PROTECT WORKERS

- ▶ **Injury and Illness Prevention Program.** See www.dir.ca.gov/title8/3203.html
- ▶ **Hazard Communication.** See www.dir.ca.gov/title8/5194.html
- ▶ **Control of Harmful Exposures to Employees.** See www.dir.ca.gov/title8/5141.html
- ▶ **Access to Employee Exposure and Medical Records.** See www.dir.ca.gov/title8/3204.html



Arnold Schwarzenegger, Governor
State of California
Kimberly Belshé, Secretary
California Health and Human Services Agency
Victoria L. Bradshaw, Secretary
Labor and Workforce Development Agency
Sandra Shewry, Director
California Department of Health Services
John Rea, Acting Director
Department of Industrial Relations

Uso de diacetil (aromatizante químico con sabor a mantequilla) en compañías que fabrican aromatizantes

La exposición al diacetil utilizado por las compañías que fabrican aromatizantes puede causar una enfermedad seria en los pulmones llamada bronquiolitis obliterante.

Trabajadores de dos fabricantes de aromatizantes en California que usan diacetil fueron diagnosticados con esta enfermedad. Los pulmones pueden quedar dañados en forma permanente, y la enfermedad puede requerir un trasplante de pulmón o ser fatal. Los síntomas principales son una tos persistente y falta de aire cuando se hace un esfuerzo (como caminar rápido o subir una pendiente suave), y sibilancias sin tener un resfriado. Los síntomas no desaparecen por la noche, en los fines de semana o cuando está de vacaciones. Pueden comenzar en forma gradual y empeorar con el tiempo, o se pueden hacer muy severos de golpe. Los médicos creen a veces que los síntomas son causados por el asma, bronquitis crónica, enfisema, pulmonía, o el fumar. Si trabaja en una empresa que fabrica aromatizantes y que usa diacetil, vea a un médico inmediatamente para comprobar que no le haya afectado la salud. Lleve esta hoja informativa a la consulta. Su empresa debe seguir las recomendaciones de la página 2 para reducir su exposición al diacetil y otros aromatizantes químicos.

ALERTA
de peligro
de salud

Cómo saber si está trabajando con diacetil

El diacetil es un líquido amarillento que generalmente se mezcla con otros ingredientes para producir un aromatizante con sabor a mantequilla u otros sabores. Estos se usan en una variedad de productos alimenticios. Si cree que se está usando diacetil en su lugar de trabajo, lea las etiquetas de los recipientes y pida ver una Hoja Informativa de Seguridad de Material (MSDS, por sus siglas en inglés). La MSDS deberá incluir el diacetil en la sección 2 con el número 431-03-8 del Servicio de Resumen Químico (CAS, por sus siglas en inglés). La Norma de Comunicación de Sustancias Peligrosas de Cal/OSHA (Título 8, Sección 5194) exige que su empleador le informe si usted está usando diacetil, y que lo capacite sobre los peligros para la salud y cómo usarlo de manera segura.

Cómo se expone al diacetil

El diacetil entra en el cuerpo cuando respira aire que contiene vapores, gotas de rocío o polvo de diacetil.

El riesgo para la salud depende de cuánto diacetil entra en el cuerpo. La cantidad de diacetil que entra en el cuerpo depende de la cantidad que haya en el aire, y del tiempo de exposición.

Cómo puede afectar su salud el diacetil

Pulmones. El diacetil puede dañar los pulmones. Los síntomas incluyen tos seca, falta de aire cuando hace un esfuerzo, y sibilancias. Los síntomas pueden comenzar gradualmente o pueden aparecer de golpe en forma de síntomas graves. Los síntomas continuarán aunque no esté trabajando. Los medicamentos contra el asma no son efectivos. Algunos trabajadores no tienen síntomas. Vea la sección sobre pruebas médicas (página 2). El diacetil daña el sistema respiratorio en animales de laboratorio.

Ojos, nariz y garganta. Los vapores de diacetil pueden causar escozor o ardor en los ojos. Pueden causar dolor y ardor en la nariz y la garganta. El contacto de estos vapores con los ojos también puede causar quemaduras químicas que sólo se pueden curar con tratamiento médico.

Piel. El diacetil puede irritar la piel. Puede causar un sarpullido con sequedad, enrojecimiento, escamas y grietas en la piel.

Cáncer y efectos reproductivos. No se han estudiado estos efectos en el diacetil. Si reduce su exposición para prevenir enfermedades de los pulmones (página 2) se protegerá también contra estos efectos.



HAZARD EVALUATION SYSTEM & INFORMATION SERVICE

Occupational Health Branch

California Department of Health Services

850 Marina Bay Parkway, Building P, Third Floor, Richmond, CA 94804

866-282-5516 • www.dhs.ca.gov/ohb

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Pruebas médicas para ver si hay efectos sobre la salud

Las mejores maneras de detectar la bronquiolitis obliterante y otras enfermedades serias de los pulmones son pruebas de respiración (espirometría) para medir cómo funcionan los pulmones, y un cuestionario sobre sus síntomas respiratorios. La detección temprana es crítica. Debería hacerse una prueba de funcionamiento del pulmón antes de comenzar a trabajar en una empresa que usa diacetil, y en forma periódica mientras siga trabajando allí.

Cómo reducir la exposición al diacetil

Sustitución. Use ingredientes aromatizantes menos peligrosos en la medida de lo posible. Compruebe que los sustitutos sean seguros.

Procesos de producción cerrada. Evite el manejo de recipientes abiertos de diacetil y otros ingredientes aromatizantes.

Ventilación. Use un sistema de extracción de contaminantes para mantener más bajo posible el nivel de diacetil en el aire. No se ha identificado cuál es un nivel de exposición segura.

Protección respiratoria. Se deben usar respiradores hasta que se haya comprobado la efectividad de la ventilación y otros controles. Use respiradores purificadores de aire aprobados por NIOSH, con cartuchos de vapor orgánico y filtros de partículas, o respiradores con suministro de aire propio. Los empleadores deben cumplir con la Norma de Protección Respiratoria de Cal/OSHA (Título 8, Sección 5144). Visite: www.dir.ca.gov/title8/5144.html.

Protección de la piel y los ojos. Los empleadores deben proporcionar guantes, lentes protectores, y otros equipos de protección.

DÓNDE OBTENER AYUDA

▶ **HESIS** puede responder a preguntas sobre el diacetil, otras sustancias peligrosas en el lugar de trabajo, y esta hoja informativa. Llame al (866) 282-5516.

▶ **La División de Seguridad y Salud Ocupacional de California (Cal/OSHA)** investiga las quejas de los trabajadores y efectúa inspecciones para verificar el cumplimiento de las normas. No se divulgará la identidad de las personas que presentan quejas. Llame a la oficina más cercana a su lugar de trabajo o visite: www.dir.ca.gov/DOSH/districtoffices.htm

▶ **El Servicio de Consultoría de Cal/OSHA** ayuda a los empleadores que quieren obtener información gratis y sin ser multados para evaluar su lugar de trabajo y mejorar las condiciones de salud y seguridad. Compañías que fabrican aromatizantes pueden llamar al: (562) 944-9366.

▶ **Instituto Nacional para la Salud y Seguridad Ocupacional (NIOSH)**
Visite: www.cdc.gov/niosh/topics/flavorings/

▶ **Se pueden encontrar servicios de salud ocupacional en:**

- Universidad de California (UC)
San Francisco: (415) 885-7580
- UC Davis: (530) 754-7635
- UC Irvine: (949) 824-8641
- UC San Diego: (619) 471-9210
- UCLA: (310) 794-8144

▶ **Asociación de Fabricantes de Aromatizantes y Extractos de EE UU. (FEMA).** Visite: www.femaflavor.org/html/public/RespiratoryRpt.pdf

REGLAMENTOS QUE AYUDAN A PROTEGER A LOS TRABAJADORES

▶ **Programa de prevención de lesiones y enfermedad.** Visite www.dir.ca.gov/title8/3203.html

▶ **Comunicación de sustancias peligrosas.** Visite: www.dir.ca.gov/title8/5194.html

▶ **Control de exposiciones peligrosas a los empleados.** Visite: www.dir.ca.gov/title8/5141.html

▶ **Acceso a los registros médicos y de exposición de los empleados.** Visite: www.dir.ca.gov/title8/3204.html



Arnold Schwarzenegger, Gobernador
Estado de California

Kimberly Belshé, Secretaria
Servicios Humanos y de Salud de California



Victoria L. Bradshaw, Secretaria
Agencia de Desarrollo Laboral y de la Fuerza de Trabajo
Sandra Shewry, Directora
Departamento de Servicios de Salud de California



John Rea, Director Interino
Departamento de Relaciones Industriales

JANE NORLING DESIGN

1-Bromopropane (n-Propyl Bromide)

1-Bromopropane can harm the reproductive system and the nervous system.

It causes sterility in both male and female test animals, and harms the developing fetus when tested in pregnant animals. 1-Bromopropane can damage the nerves, causing weakness, pain, numbness, and paralysis. It will soon be tested in animals to find out if it can cause cancer, as many similar chemicals do. The effects of 1-bromopropane on human health have not been well studied. However, a few human case reports suggest that 1-bromopropane can harm the nervous system. 1-Bromopropane is a new solvent intended to replace solvents like trichloroethane and some Freons that damage the upper ozone layer. HESIS is issuing this Hazard Alert because 1-bromopropane is being considered for widespread use and is not regulated to protect workers, consumers, or the environment.

Health

Hazard

ALERT

How to find out if you are working with 1-bromopropane

1-Bromopropane is a solvent. It might be used wherever there is a need to dissolve fats, waxes, or resins. So far, two of its main uses are in degreasing and in spray adhesives. It is being considered for use in drycleaning and for many other uses as a replacement for other organic solvents that damage the upper ozone layer.

Your employer must tell you if you are working with 1-bromopropane, and must train you to use it safely (California Code of Regulations, Title 8, Sections 3203 and 5194). If you think you may be exposed to 1-bromopropane on the job, ask to see the Material Safety Data Sheets (MSDSs) for the products you are using. The MSDS for a product that contains 1-bromopropane must identify it in Section 2, by the CAS number 106-94-5.

1-Bromopropane is also called n-propyl bromide. Some MSDSs do not fully describe the hazards of the product.

How 1-bromopropane enters your body

1-Bromopropane enters your body when you breathe its vapor or drops of spray in the air. Some can enter your body through your skin.

Your risk of health effects depends on the amount of 1-bromopropane that enters your body. That depends mainly on the amount (the concentration) of 1-bromopropane in the air, your skin contact, and how long you are exposed.

How 1-bromopropane can affect your health

The toxic effects of 1-bromopropane in humans have not yet been well studied. Because it is a recently introduced chemical, most information comes from animal testing, not from experience with human use.

In most of the animal tests, the animals breathed 1-bromopropane in the air. However, you can also absorb 1-bromopropane through your skin.



HAZARD EVALUATION SYSTEM & INFORMATION SERVICE

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Occupational Health Branch
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JULY 2003

California Department of Health Services • California Department of Industrial Relations

REPRODUCTIVE SYSTEM

1-Bromopropane damages the reproductive systems in both male and female animals. In males, it damages the sperm, testicles, prostate, epididymis, and seminal vesicles, and reduces testosterone levels, causing sterility. In females, it damages the ovaries and interferes with the estrous cycle, again causing sterility. 1-Bromopropane also caused delayed growth in the offspring of animals exposed during pregnancy. Some of these effects were seen at exposure levels as low as 200 parts per million (200 “ppm”) in air, and possibly even at 100 ppm.

Reproductive toxicity of 1-bromopropane has not been studied in humans, but the closely related chemical 2-bromopropane has been found to cause long-lasting ovarian failure and absence of sperm in workers.

NERVOUS SYSTEM

1-Bromopropane damages the nerves in the arms, legs, and body. There is evidence that 1-bromopropane may also damage the brain itself. Animal tests have found these effects with exposures as low as 400 ppm. Case reports show that similar effects can occur in humans.

EYES, NOSE, THROAT, AND SKIN

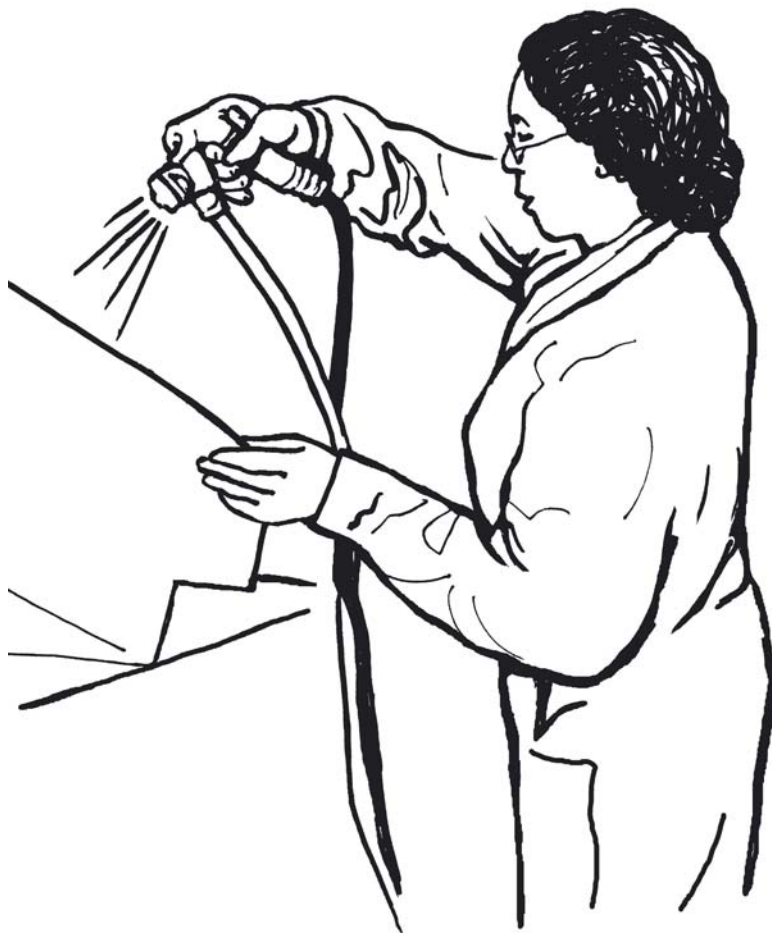
1-Bromopropane is irritating to the eyes, nose, and throat, at exposure levels of perhaps 30 ppm. Like other organic solvents, the liquid can dissolve the natural protective oils on your skin and cause dermatitis (dry, rough, red, cracked skin). It can also be absorbed into your body through the skin.

LIVER

Very high exposures may harm the liver. We don't know whether there's any risk to the liver from exposure levels likely to be found in the workplace.

CANCER

1-Bromopropane will soon be tested to see whether it can cause cancer. Many similar chemicals, such as dibromochloropropane (DBCP), do cause cancer. In some tests, but not in others, 1-bromopropane has caused genetic mutations. Chemicals that cause mutations often can cause cancer.



HOW TO REDUCE YOUR EXPOSURE

Even though there is no Permissible Exposure Limit (PEL) for 1-bromopropane (see page 4), Cal/OSHA's Title 8, Section 5141 requires your employer to protect you from being exposed to chemicals at levels that harm your health. See www.dir.ca.gov/title8/5141.html.

Cal/OSHA and the Cal/OSHA Consultation Service can help you and your employer – see “Where to Get Help” on the last page.

- ▶ **Substitution.** The best way to reduce exposure is to switch to products that don't contain 1-bromopropane. Avoid using products for which you do not have an MSDS.

Switch to water-based adhesives, when possible, for flexible foam fabrication. Hot water-based aqueous cleaning detergents often can be substituted for 1-bromopropane products for vapor degreasing and cold cleaning operations.

If you can't switch to 1-bromopropane-free products, take other steps to limit your exposure.

- ▶ **Using Less.** If you must use 1-bromopropane products, use as little as possible. Keep containers closed between uses. 1-Bromopropane can evaporate from 1-bromopropane-soaked rags, so make sure that used rags are kept in a well-ventilated area or sealed in an airtight container.
- ▶ **Ventilation.** Make sure that there is good ventilation. “Local exhaust ventilation” is most effective; it captures contaminated air at the source, before 1-bromopropane can spread into your breathing zone. In a study conducted by the National Institute for Occupational Safety and Health (NIOSH), for example, improving the local exhaust ventilation reduced 1-bromopropane levels by about 70% in a cushion manufacturing plant. Next best is general ventilation, which uses a fan-powered system to bring fresh air into the work area. Open doors and windows usually provide very little ventilation. An indoor fan that just blows contaminated air around without removing it from your work area is not effective.

- ▶ **Other Engineering Controls.** Vapor degreasing systems should include controlled hoists, effective cooling coils, and lids. Vapor degreasing should be isolated from other work areas. If parts are removed wet, the drying area should be vented to the outdoors.

- ▶ **Respiratory Protection.** Respirators may be used only if ventilation and other control methods are not effective and feasible. A half-face respirator with organic vapor cartridge can reduce your exposure. In spraying operations, this should be combined with a mist pre-filter cartridge. A “dust mask” will not protect you, and may even increase your exposure by giving a false sense of confidence. Employers must comply with the Cal/OSHA Respiratory Protection Standard (Title 8, Section 5144). See www.dir.ca.gov/title8/5144.html.

- ▶ **Skin Protection.** It may be hard to avoid getting 1-bromopropane on your hands if you use it for cleaning or gluing. If you must use 1-bromopropane products and it is likely that it will get on your skin, wear protective gloves and replace them often. Chemical protective clothing, such as aprons or sleeves, may also be needed if skin contact occurs at areas other than your hands. California regulation (Title 8, Section 3384) requires employers to supply gloves or any other necessary protective equipment. Viton, Silvershield, and 4H glove materials may resist penetration by 1-bromopropane longer than most other materials. 1-Bromopropane can penetrate some common glove materials within 30 minutes to two hours.

Legal exposure limits

1-Bromopropane is a virtually unregulated chemical. Cal/OSHA does not have a Permissible Exposure Limit (PEL) for workplace exposure. Neither the U.S. Environmental Protection Agency (U.S. EPA) nor Cal/EPA has set any limits on 1-bromopropane in the environment. U.S. EPA is considering approving 1-bromopropane for use as an alternative to chemicals that damage the ozone layer in the upper atmosphere.

Recommended exposure limits

HESIS recommends that workplace exposure be limited to about 1 ppm in order to protect against the reproductive and nerve toxicity of 1-bromopropane. HESIS also recommends a skin notation to require protection against skin contact exposure.

Many manufacturers and distributors have made recommendations for occupational exposure limits. These proposals range from 5 ppm to 100 ppm.

Measuring your exposure

The amount of 1-bromopropane in the air in your workplace can and should be measured. However, until 1-bromopropane is regulated by Cal/OSHA, there may not be any legal standard to compare the results to.

Are there medical tests for exposure and health effects?

1-Bromopropane levels in urine reflect recent exposure fairly accurately, but the test is difficult and expensive. Bromine levels in urine also reflect recent exposure, but other exposures may influence the test. Standard tests for reproductive function, nervous system damage, and blood effects may be appropriate if you work with 1-bromopropane.

Regulations that help to protect workers

HAZARD COMMUNICATION STANDARD.

Under this standard (Title 8, Section 5194), your employer must tell you if any hazardous substances are used in your work area, must train you to use them safely, and must make MSDSs available. See www.dir.ca.gov/title8/5194.html.

INJURY AND ILLNESS PREVENTION PROGRAM.

Every employer must have an effective, written Injury and Illness Prevention Program (IIPP) that identifies a person with the authority and responsibility to run the program (Title 8, Section 3203). The IIPP must include methods for identifying workplace hazards, methods for correcting hazards quickly, health and safety training at specified times, a system for communicating clearly with all employees about health and safety matters (including safe ways for employees to tell the employer about hazards), and record-keeping to document the steps taken to comply with the IIPP Standard. See www.dir.ca.gov/title8/3203.html.

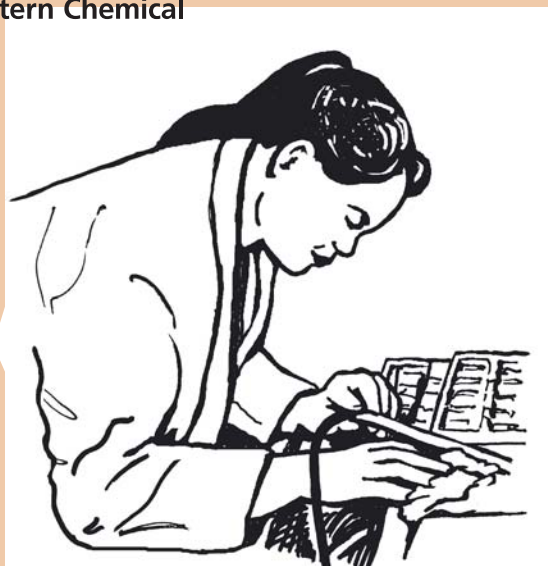
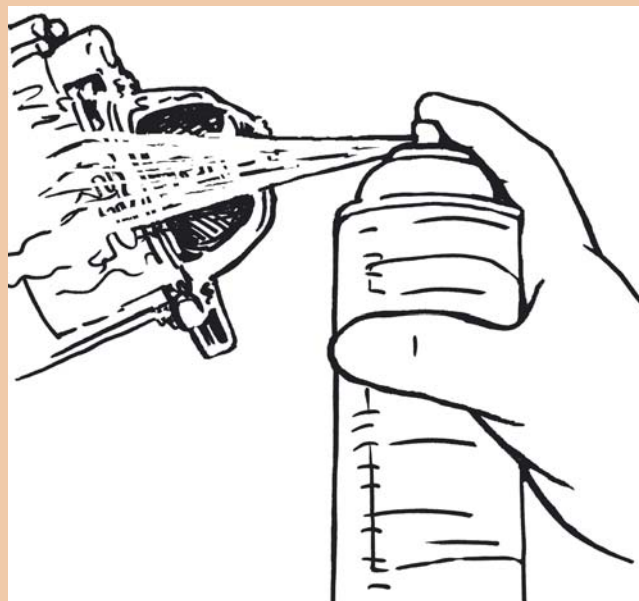
ACCESS TO MEDICAL AND EXPOSURE RECORDS.

You have the right to see and copy your own medical records, and any records of toxic substance exposure monitoring (Title 8, Section 3204). These records are important in determining whether your health has been affected by your work. Employers who have such records must keep them and make them available to you for at least 30 years after the end of your employment. See www.dir.ca.gov/title8/3204.html.

DO YOU USE ANY OF THESE PRODUCTS?

Abzol
Albatross VDS-3000
Alpha Metals VaporEdge 1000
Amrep Misty Safety Solvent 2000
Ceramichrome Overglazes 6, 8, 9, or 18
Ecolink Hypersolve
Ecolink Triagen
EnSolv; EnSolv-A; EnSolv-CW
Hypersolve NPB; Hypersolve ASC
K-Grip 501 Spray Adhesive
Leksol
LPS Instant Super Degreaser II
Micro Care PowrClean Solvent
NPB Heavy Duty Cleaner Degreaser
NPB Heavy Duty Contact Cleaner
NPB Heavy Duty Flux Remover
Nye Lubricants Fluorosolvent 507
Nye Lubricants Nyetact 502H-20
Pensolve PB2000
Petroferm Lenium
Petroferm nPB Stabilizer Booster
Rite-Off Generation 2000 Bromo-Clean
Solvon PB, PBA, AER, ACS, DR, or IP
Techtride DG
Tek-Rap Series 200-20D Low-VOC/HAPs
Liquid Adhesive Coating
United C174 Aerosol Contact Cleaner
Western Chemical

These are some products with MSDSs showing that they contain 1-bromo-propane. However, products like these can change their ingredients quite often. Be sure to check the current MSDS for whatever products you're using.



WHERE TO GET HELP

- **HESIS** answers questions about 1-bromopropane and other workplace hazards and has many free publications available.

For information on workplace hazards: **(510) 622-4317**. Please leave a message and your call will be returned.

For HESIS Publications: **(510) 622-4138**. Call, or visit our website www.dhs.ca.gov/ohb, or write to HESIS, 1515 Clay Street, Suite 1901, Oakland, CA 94612.

- *HESIS Guide to Solvent Safety*. Discusses health and safety hazards and protective measures.
- *Workplace Chemical Hazards to Reproductive Health: A Resource for Worker Health and Safety Training and Patient Education*. Explains how chemicals can affect reproduction.
- *HESIS Publication List*. Fact sheets, booklets, and medical guidelines on workplace hazards including chemicals, repetitive motion, and infectious diseases. Visit our website, call, or write for the list.

- **California Division of Occupational Safety and Health (Cal/OSHA)** investigates workers' complaints, makes enforcement inspections, and answers questions about workplace health and safety regulations. Complainants' identities are kept confidential. Contact the Cal/OSHA Enforcement District office nearest to your workplace. Offices are listed in the blue government section near the front of the phone book, under "State Government / Industrial Relations / Occupational Safety and Health / Enforcement," or visit their website at www.dir.ca.gov/DOSH/districtoffices.htm.

- **Other resources for employees** may include your supervisor, your union, your company health and safety officer, your doctor, or your company doctor.

- **Cal/OSHA Consultation Service** helps employers who want free, non-enforcement help to evaluate the workplace and improve the health and safety conditions. Employers can call **(800) 963-9424**.

- **Occupational health services** can be found at:

- UC San Francisco/SFGH Occupational and Environmental Medicine Clinic: (415) 885-7580.
- UC Davis Occupational and Environmental Medicine Clinic: (530) 754-7635.
- UC Irvine Center for Occupational and Environmental Health: (949) 824-8641.
- UC San Diego Center for Occupational and Environmental Medicine: (619) 471-9210.



Gray Davis, Governor
State of California
Grantland Johnson, Secretary
Health and Human Services Agency
Diana M. Bontá, R.N., Dr.P.H.
Director, Department of Health Services
Steve Smith, Acting Secretary
Labor and Workforce Development Agency
Chuck Cake, Acting Director
Department of Industrial Relations



N-Methylpyrrolidone (NMP)

N-Methylpyrrolidone (NMP) harms the developing fetus when tested in pregnant animals. It is toxic to the reproductive system of male and female test animals. The reproductive effects of NMP in humans have not been studied. Based on the animal tests, you should treat NMP as a potential human reproductive hazard. Overexposure to NMP irritates the eyes, skin, nose, and throat. It can also affect the central nervous system or brain causing symptoms of drunkenness similar to the effects of drinking alcohol. NMP is easily absorbed through the skin. It is widely used to replace methylene chloride and other chlorinated solvents that harm the environment and health. HESIS is issuing this Health Hazard Advisory to inform workers and employers of the potential health hazards of NMP and how to protect against them. NMP is not regulated to protect workers.

**Health
Hazard
Advisory**

How to find out if you are working with NMP

NMP is a solvent. It is used for many different purposes. Some of these include stripping paint, cleaning in the electronics industry and other industries, removing graffiti, and making a variety of chemicals and products.

Your employer must tell you if you are working with NMP, and must train you to use it safely, under California's Hazard Communication Standard and Injury and Illness Prevention Program (see page 4). If you think you may be exposed to NMP on the job, ask to see the Material Safety Data Sheets (MSDSs) for the products you are using. The MSDS for a product that contains NMP is required to identify it in Section 2, by the Chemical Abstract Service (CAS) number 872-50-4. Some MSDSs do not fully describe the hazards of the product.

How NMP enters your body

NMP enters your body when it touches your skin, and when you breathe its vapors or droplets of spray in the air.

Your risk of health effects depends on the amount of NMP that enters your body. That depends mainly on the amount (the concentration) of NMP you breathe, how much touches your skin, and how long you are exposed to NMP.

How NMP can affect your health

The toxic effects of NMP in humans have not been well studied. Most of the information comes from animal testing, not from human use of NMP. Animal tests are often used to determine effects of chemicals on human health.



HAZARD EVALUATION SYSTEM & INFORMATION SERVICE
California Department of Health Services
Occupational Health Branch
850 Marina Bay Parkway, Building P, 3rd Floor, Richmond, CA 94804
510-620-5757 • www.dhs.ca.gov/ohb

OCTOBER 2006

California Department of Health Services • California Department of Industrial Relations

REPRODUCTIVE SYSTEM

NMP caused delayed growth in the offspring of animals exposed during pregnancy in several studies. Some of these effects were seen at exposure levels as low as 116 parts per million (116 “ppm”) of NMP in the air. NMP caused reduced fertility in male rats and increased the time for female rats to become pregnant.

The effects of NMP on reproduction have not been studied in humans. In one report, a worker’s exposure to NMP during the first trimester of pregnancy was linked to abnormal growth of the fetus (intrauterine growth retardation) and stillbirth.

NERVOUS SYSTEM

NMP, like other organic solvents, can affect your brain. Breathing excessive amounts for a short period of time causes headache, nausea, dizziness, clumsiness, drowsiness and other effects like those of being drunk. Drinking alcohol within a few hours of exposure increases these effects and makes them last longer, because the effects of alcohol and solvents add together. The symptoms of short-term exposure usually clear up within hours after exposure stops.

Repeated, frequent overexposure to NMP and other solvents over months or years can have long-lasting and possibly permanent effects on the nervous system. The symptoms of these long-term effects include fatigue, sleeplessness, poor coordination, difficulty in concentrating, loss of short-term memory, and personality changes such as depression, anxiety, and irritability.

EYES, NOSE, THROAT, AND SKIN

NMP is irritating to the eyes, nose, and throat. It is quickly absorbed into your body through your skin. NMP also dissolves the natural protective oils on your skin and can cause dermatitis (dry, rough, red, cracked skin).

LIVER AND KIDNEYS

NMP is unlikely to cause liver or kidney damage if there is no noticeable effect on the nervous system. However, like other solvents, long-term exposure to NMP and drinking alcohol can increase your risk of liver damage.

CANCER

NMP did not cause cancer when tested in animals. It also did not cause genetic mutations in several tests.



HOW TO REDUCE YOUR EXPOSURE

Even though there is no Permissible Exposure Limit (PEL) for NMP (see page 4), California Division of Occupational Safety and Health (Cal/OSHA)'s Title 8, Section 5141 requires your employer to protect you from being exposed to chemicals at levels that harm your health. See www.dir.ca.gov/title8/5141.html.

Cal/OSHA and the Cal/OSHA Consultation Service can help you and your employer – see “Where to Get Help” on the last page.

- **Substitution.** The best way to reduce exposure is to switch to products that do not contain NMP. Do not use products if you do not have MSDSs and information on health hazards. Make sure you understand the health hazard information.

Switch to soy-based products or use mechanical methods, such as wheat starch blasting, to remove paint and graffiti, when possible. If it is not possible to switch to solvent-free paint strippers, benzyl alcohol may be a safer substitute. Unlike NMP, it does not cause reproductive and developmental damage in test animals. It also does not pose risks of cancer like methylene chloride does. Benzyl alcohol is absorbed through the skin. It may also cause allergic dermatitis. Water-based cleaners often can be substituted for products containing NMP and toxic solvents like 1-bromopropane, for cleaning in the electronics industry and other industries.

If you cannot switch to products that are free of NMP or other solvents, take other steps to limit exposure.

- **Using Less.** Use as little as possible of solvent-containing products. Keep containers closed between uses.
- **Ventilation.** Make sure there is good ventilation. “Local exhaust ventilation” is most effective. It captures NMP vapors at the source before workers breathe them. General ventilation using a fan-powered or heating, ventilation, and air conditioning (HVAC) system is the next best

way to bring fresh air into the work area. Relying only on open doors and windows usually will not provide enough fresh air. Indoor fans that blow NMP-contaminated air around without removing it from the work area are not effective.

- **Respiratory Protection.** Cal/OSHA permits the use of respirators to control harmful exposures only if ventilation and other control methods are not effective or feasible. A half-face respirator with organic vapor cartridges can reduce exposure. In spraying operations, this should be combined with a mist pre-filter. A dust mask does not remove NMP vapors from the air and will not protect workers. Employers must comply with the Cal/OSHA Respiratory Protection Standard (Title 8, Section 5144). Requirements include making sure that respirators fit properly and workers are medically fit to wear a respirator. See www.dir.ca.gov/title8/5144.html.

- **Skin Protection.** Wear chemical protective utility gloves such as butyl rubber when using products that contain NMP. Replace gloves often. Use chemical protective clothing such as aprons, sleeves, boots, and head and face protection if NMP can contact your skin at areas other than your hands. Clean the equipment thoroughly after each use. Cal/OSHA regulation requires employers to supply gloves and any other necessary protective equipment. See www.dir.ca.gov/title8/sb7g2a10.html.



Legal exposure limits

Cal/OSHA does not have a Permissible Exposure Limit (PEL) for workplace exposure to NMP. Neither the National Institute for Occupational Safety and Health (NIOSH) nor the American Conference of Governmental Industrial Hygienists (ACGIH) has developed exposure limits. The American Industrial Hygiene Association's Workplace Environmental Exposure Level (WEEL) for NMP is 10 ppm averaged over an eight-hour work period. NMP eight-hour exposure exposure limits set by 14 other countries range from 1 ppm to 100 ppm. Most of the limits have skin notations, indicating skin absorption of NMP.

Recommended exposure limits

HESIS recommends that workplace exposure to NMP be kept to a minimum and below 5 ppm (averaged over an eight hour work period) until a safe level has been determined. HESIS also recommends a skin notation to require protection against skin contact exposure.

Measuring your exposure

The amount of NMP in the air in your workplace can and should be measured. However, until NMP is regulated by Cal/OSHA, there may not be any legal standard to which the results can be compared.

Are there medical tests for exposure and health effects?

NMP and its major breakdown products, 5-hydroxy-N-methyl-2-pyrrolidone (5-HNMP) and 2-hydroxy-N-methylsuccinimide (2-HMSI) have been measured in the urine and blood of exposed workers and volunteers in several studies. The results compared well with air levels of NMP. The use of urine and blood tests for monitoring workplace exposure to NMP is still being studied.

If you work regularly with NMP or other hazardous substances, you should be given a complete physical exam, which includes a medical and work history, and periodic follow-up examinations.

Regulations that help to protect workers

HAZARD COMMUNICATION STANDARD.

Under this standard (Title 8, Section 5194), your employer must tell you if any hazardous substances are used in your work area, must train you to use them safely, and must make MSDSs available. See www.dir.ca.gov/title8/5194.html.

INJURY AND ILLNESS PREVENTION PROGRAM.

Every employer must have an effective, written Injury and Illness Prevention Program (IIPP). Major elements include: methods for identifying and quickly correcting workplace hazards; health and safety training; a health and safety communication system; and record-keeping. See www.dir.ca.gov/title8/3203.html.

ACCESS TO MEDICAL AND EXPOSURE RECORDS.

You have the right to see and copy your own medical records, and any records of toxic substance exposure monitoring in your work area. (Title 8, Section 3204). These records are important in determining whether your health has been affected by your work. Employers who have such records must keep them for at least 30 years after the end of your employment. See www.dir.ca.gov/title8/3204.html.



DO YOU USE ANY OF THESE PRODUCTS?

9051 Bio-Blast Bottom Paint Remover
Baycor® 300 Fungicide Spray
Bayleton® 125 EC Fungicide
Biostrip
Citrus Brake Cleaner
CS Stripping Gel
D10e Degreasing Solvent Aerosol
Desert Brand Paver Tile Sealer
Enviro Klean Enviro Strip NMC
Fast Adhesive Gun Cleaner
Hercules Multipurpose Plastic Pipe
Cement
Lyondell N-Methyl-2-Pyrrolidone-
Electronic Grade
Peel Away 7
PI 2555
Ready Strip Pro
Safety-Kleen N-Methyl Pyrrolidone
Soy Clean® Graffiti Remover
(Paint Stripper)
Soy-Gel™ Professional Stripper
Soy-Strip™
SurTec 430
TURCO 5668
United 572
Wash-Away™
X-GAL-IPTG Solution

These are some products with MSDSs showing that they contain NMP. However, products like these can change their ingredients quite often. Be sure to check the current MSDS for whatever products you are using.



WHERE TO GET HELP

- ▶ **HESIS** answers questions about NMP and other workplace hazards, and has many free publications available.

For information on workplace hazards (Toll Free in CA): **866-282-5516**. Please leave a message and your call will be returned.

For HESIS Publications (Toll Free in CA): **866-627-1586**. Call, or visit our website www.dhs.ca.gov/ohb, or write to HESIS, 850 Marina Bay Parkway, Building P, 3rd Floor, Richmond, CA 94804.

- *HESIS Guide to Solvent Safety*. Discusses health and safety hazards and protective measures.
- *Workplace Chemical Hazards to Reproductive Health: A Resource for Worker Health and Safety Training and Patient Education*. Explains how chemicals can affect reproduction.
- *HESIS Publication List*. Fact sheets, booklets, and medical guidelines on workplace hazards including chemicals, repetitive motion, and infectious diseases. Visit our website, call, or write for the list.

- ▶ **Institute for Research and Technical Assistance (IRTA)** has information on safe alternatives for solvent-based products. Call **(818) 244-0300** or visit the IRTA website at www.irta.us.

- ▶ **California Division of Occupational Safety and Health (Cal/OSHA)**

investigates workers' complaints, makes enforcement inspections, and answers questions about workplace health and safety regulations. Complainants' identities are kept confidential. Call the nearest Cal/OSHA district office to your workplace, which you can find at www.dir.ca.gov/DOSH/districtoffices.htm.

- ▶ **Other resources for employees** may include your supervisor, your union, your company health and safety officer, your doctor, or your company doctor.

- ▶ **Cal/OSHA Consultation Service** helps employers who want free, non-enforcement help to evaluate the workplace and improve the health and safety conditions. Employers can call **(800) 963-9424**. The Consultation Service also has free publications which can be ordered or downloaded at www.dir.ca.gov/DOSH/PubOrder.asp.

- ▶ **Occupational health services** can be found at:

- University of California (UC)
San Francisco: (415) 885-7580
- UC Davis: (530) 754-7635
- UC Irvine: (949) 824-8641
- UC San Diego: (619) 471-9210
- UCLA: (619) 794-8144



Arnold Schwarzenegger, Governor
State of California
Kimberly Belshé, Secretary
California Health and Human Services Agency
Victoria L. Bradshaw, Secretary
Labor and Workforce Development Agency
Sandra Shewry, Director
California Department of Health Services
John Rea, Acting Director
Department of Industrial Relations

SECTION 1. Section 6276.12 of the Government Code is amended to read:

Customer list of chemical manufacturers, formulators, suppliers, distributors, importers, and their agents, the quantities and dates of shipments, and the proportion of a specified chemical within a mixture, confidential, Section 147.2, Labor Code.

SEC. 2. Section 147.2. of the Labor Code is amended to read:

147.2 (a) As used in this section, "Hazard Evaluation System and Information Service" or "HESIS" means the repository established pursuant to subdivision (b).

(b) In accordance with Chapter 2 (commencing with Section 6350) of Part 1 of Division 5 of this code and Section 105175 of the Health and Safety Code, the Department of Industrial Relations shall, by interagency agreement with the State Department of Health Services, shall establish a repository of current data on toxic materials and harmful physical agents in use or potentially in use in places of employment in the state, known as the hazard Evaluation System and Information Service, or HESIS.

(c) HESIS The repository shall fulfill all of the following functions:

(1) Provide reliable information of practical use to employers, employees, representatives of employees, and other governmental agencies on the possible hazards to employees of exposure to toxic materials or harmful physical agents.

(2) Collect and evaluate toxicological and epidemiological data and any other information that may be pertinent to establishing harmful effects on health of exposure to toxic materials or harmful physical agents. Nothing in this subdivision shall be construed as authorizing HESIS the repository to require employers, other than chemical manufacturers, formulators, suppliers, distributors, importers, and their agents, to report any information not otherwise required by law.

(3) When there is new scientific or medical information and the Chief of HESIS, in consultation with the Director of Industrial Relations and the Chief of the Division of Environmental and Occupational Disease Control in the State Department of Public Health, determines that a substance may be in use in a place of employment, may pose a hazard under a reasonable anticipated condition of use, and potentially poses a serious new or unrecognized health hazard to an employee, including, but not limited to, cancer, reproductive or developmental harm, organ system impairment, or death, chemical manufacturers, formulators, suppliers, distributors, importers, and their agents, as specified in subparagraph (A), shall provide to HESIS the names and addresses of their customers who have purchased certain chemicals, as specified by HESIS, or commercial products containing those chemicals and information related to those shipments, including the quantities and dates of shipments, and the proportion of a specified chemical within a mixture containing the specified chemical, upon written request by HESIS, for every product the final destination of which may be a place of employment in California. This paragraph shall not apply to a retail seller of the substance, whether sold individually or as part of a commercial product to the public. The following shall apply to this paragraph:

(A) On or after January 1, 2016, the information requested shall include current and past customers for not more than a one-year period prior to the date the request is issued. The information shall be provided within a reasonable timeframe, not to exceed 30 calendar days from the date the request is issued. The information shall be provided in a format specified by the State Department of Public Health but consistent with the responding entity's current data system.

(B) Unless, pursuant to other law or regulation the following persons, any other person, or any governmental entity is required to publicly disclose the following information, the names and addresses of customers, the quantities and dates of shipments, and the proportion of a specified chemical within a mixture provided by chemical manufacturers, formulators, suppliers, distributors, importers, and their agents pursuant to this paragraph shall be considered confidential and, except as specified in this subparagraph, exempt from public disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code). HESIS may disclose that information to officers or employees of the State Department of Public Health, to officers or employees of the state who are responsible for carrying

out the purposes of Division 5(commencing with Section 6300), or to the state agencies of the state officers specified in paragraphs (5) and (6). Any officer, employee, or agency to which the information is disclosed shall be subject to this subparagraph.

(C) The State Department of Public Health shall be entitled to reimbursement of attorney's fees and costs incurred in seeking an injunction to enforce this paragraph.

(4) (3) Recommend to the Chief of the Division of Occupational Safety and Health Administration that an occupational safety and health standard be developed whenever it has been determined that a substance in use or potentially in use in places of employment is potentially toxic at the concentrations or under the conditions used.

(5) (4) Notify the Director of Pesticide Regulation Food and Agriculture of any information developed by HESIS the repository that is relevant to carrying out his or her responsibilities under Chapters 2 (commencing with Section 12751) and 3 (commencing with Section 14001) of Division 7 of the Food and Agricultural Code.

(6) Notify the Secretary for Environmental Protection of any information developed by HESIS that is relevant to carrying out his or her responsibilities.

(d) The Director of Industrial Relations shall appoint an Advisory Committee to HESIS the repository. The advisory committee shall consist of four representatives from labor, four representatives from management, four active practitioners in the occupational health field, and three persons knowledgeable in biomedical statistics or information storage and retrieval systems. The advisory committee shall meet on a regular basis at the request of the director. The committee shall be consulted by, and shall advise the director at each phase of the structuring and functioning of the repository and alert system with regard to, the procedures, methodology, validity, and practical utility of collecting, evaluating, and disseminating information concerning hazardous substances, consistent with the primary goals and objectives of HESIS the repository.

(e) Nothing in this section shall be construed to limit the ability of the State Department of Health Services to propose occupational safety and health standards to the Occupational Safety and Health Standards Board.

(f) Policies and procedures shall be developed to assure, to the extent possible, that HESIS the repository uses and does not duplicate the resources of the federal government and other states.

(g) On or before December 31 of each year, the Department of Industrial Relations shall submit a report to the Legislature detailing the implementation and operation of HESIS the repository including, but not limited to, the amount and source of funds allocated and spent on repository activities, the toxic materials and harmful physical agents investigated during the past year and recommendations made concerning them, actions taken to inform interested persons of the possible hazards of exposure to toxic materials and harmful physical agents, and any recommendations for legislative changes relating to the functions of HESIS the repository.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which amends Section 6276.12 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the names and addresses of customers who have purchased chemicals from chemical manufacturers, formulators, suppliers, distributors, importers, and their agents, the quantities and dates of shipments, and the proportion of a specified chemical within a mixture, it is necessary that lists line 2 containing that information be exempt from disclosure, as provided in Section 147.2 of the Labor Code, under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

AMENDED IN ASSEMBLY AUGUST 21, 2014

AMENDED IN ASSEMBLY AUGUST 14, 2014

AMENDED IN ASSEMBLY AUGUST 6, 2013

AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 193

Introduced by Senator Monning

February 7, 2013

An act to amend Section 6276.12 of the Government Code, and to amend Section 147.2 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 193, as amended, Monning. Hazard evaluation system and information service.

Existing law requires the Department of Industrial Relations, with the State Department of Public Health (DPH), to establish a repository of current data on toxic materials and harmful physical agents in use or potentially in use in places of employment in the state. That repository is known as the Hazard Evaluation System and Information Service (HESIS). Existing law requires HESIS, among other things, to provide information and collect and evaluate data relating to possible hazards to employees resulting from exposure to toxic materials or harmful physical agents. Existing law expressly does not require employers to report any information not otherwise required by law.

This bill, except as specified, when there is new scientific or medical information and the Chief of HESIS, in consultation with the Director of Industrial Relations and the Chief of the Division of Environmental and Occupational Disease Control in DPH, makes a specified determination, would require chemical manufacturers, formulators, suppliers, distributors, importers, and their agents to provide to HESIS the names and addresses of their customers who have purchased specified chemicals or commercial products containing those chemicals, and certain other information related to those shipments, upon written request of HESIS, for every product the final destination of which may be a place of employment in California. The bill would deem the names and addresses of customers, the quantities and dates of shipments, and the proportion of a specified chemical within a mixture to be confidential. The bill would also provide that DPH would be entitled to reimbursement of attorney's fees and costs incurred in seeking an injunction to enforce this requirement.

The California Public Records Act requires certain public records to be made available for public inspection, and lists records that are exempt from disclosure under the act.

The bill would exempt from public disclosure under the act the names and addresses of customers, the quantities and dates of shipments, and the proportion of a specified chemical within a mixture provided to HESIS by chemical manufacturers, formulators, suppliers, distributors, importers, and their agents, that would be required pursuant to the bill, as provided, but would specifically authorize HESIS to disclose that information to officers or employees of the DPH, to officers or employees of the state who are responsible for carrying out the provisions of the Labor Code relating to safety in employment, or to specified state agencies. The bill would also state findings and

declarations of the Legislature for limiting the public's right of access to the information.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- P2 1 SECTION 1.
2 Section 6276.12 of the *Government Code* is
3 amended to read:
4 6276.12.
5 Conservatee, confidentiality of the conservatee's
6 report, Section 1826, Probate Code.
7 Conservatee, estate plan of, confidentiality of, Section 2586,
8 Probate Code.
9 Conservatee with disability, confidentiality of report, Section
10 1827.5, Probate Code.
- P3 1 Conservator, confidentiality of conservator's birthdate and
2 driver's license number, Section 1834, Probate Code.
3 Conservator, supplemental information, confidentiality of,
4 Section 1821, Probate Code.
5 Conservatorship, court review of, confidentiality of report,
6 Section 1851, Probate Code.
7 Consumer fraud investigations, access to complaints and
8 investigations, Section 26509.
9 Consumption or utilization of mineral materials, disclosure of,
10 Section 2207.1, Public Resources Code.
11 Contractor, evaluations and contractor responses, confidentiality
12 of, Section 10370, Public Contract Code.
13 Contractor, license applicants, evidence of financial solvency,
14 confidentiality of, Section 7067.5, Business and Professions Code.
15 Controlled Substance Law violations, confidential information,
16 Section 818.7.
17 Controlled substance offenders, confidentiality of registration
18 information, Section 11594, Health and Safety Code.
19 Cooperative Marketing Association, confidential information
20 disclosed to conciliator, Section 54453, Food and Agricultural
21 Code.
22 Coroner, inquests, subpoena duces tecum, Section 27491.8.
23 County aid and relief to indigents, confidentiality of
24 investigation, supervision, relief, and rehabilitation records, Section
25 17006, Welfare and Institutions Code.
26 County alcohol programs, confidential information and records,
27 Section 11812, Health and Safety Code.
28 County Employees' Retirement, confidential statements and
29 records, Section 31532.
30 County mental health system, confidentiality of client
31 information, Section 5610, Welfare and Institutions Code.
32 County social services, investigation of applicant, confidentiality,
33 Section 18491, Welfare and Institutions Code.
34 County social services rendered by volunteers, confidentiality
35 of records of recipients, Section 10810, Welfare and Institutions
36 Code.
37 County special commissions, disclosure of health care peer
38 review and quality assessment records not required, Section
39 14087.58, Welfare and Institutions Code.
- P4 1 County special commissions, disclosure of records relating to
2 the commission's rates of payment for publicly assisted medical

3 care not required, Section 14087.58, Welfare and Institutions Code.
4 Court files, access to, restricted for 60 days, Section 1161.2,
5 Code of Civil Procedure.
6 Court reporters, confidentiality of records and reporters, Section
7 68525.
8 Court-appointed special advocates, confidentiality of information
9 acquired or reviewed, Section 105, Welfare and Institutions Code.
10 Crane employers, previous business identities, confidentiality
11 of, Section 7383, Labor Code.
12 Credit unions, confidentiality of investigation and examination
13 reports, Section 14257, Financial Code.
14 Credit unions, confidentiality of employee criminal history
15 information, Section 14409.2, Financial Code.
16 Criminal defendant, indigent, confidentiality of request for funds
17 for investigators and experts, Section 987.9, Penal Code.
18 Criminal offender record information, access to, Sections 11076
19 and 13202, Penal Code.
20 Crop reports, confidential, subdivision (e), Section 6254.
21 Customer list of chemical manufacturers, formulators, suppliers,
22 distributors, importers, and their agents, the quantities and dates
23 of shipments, and the proportion of a specified chemical within a
24 mixture, confidential, Section 147.2, Labor Code.
25 Customer list of employment agency, trade secret, Section 16607,
26 Business and Professions Code.
27 Customer list of telephone answering service, trade secret,
28 Section 16606, Business and Professions Code.

29 SEC. 2.

30 Section 147.2 of the *Labor Code* is amended to read:
147.2.

31 (a) As used in this section, "Hazard Evaluation System
32 and Information Service" or "HESIS" means the repository
33 established pursuant to subdivision (b).

34 (b) In accordance with Chapter 2 (commencing with Section
35 6350) of Part 1 of Division 5 of this code and Section 105175 of
36 the Health and Safety Code, the Department of Industrial Relations,
37 by interagency agreement with the State Department of Public
38 Health, shall establish a repository of current data on toxic
39 materials and harmful physical agents in use or potentially in use
40 in places of employment in the state, known as the Hazard
Evaluation System and Information Service, or HESIS.

P5 1 (c) HESIS shall fulfill all of the following functions:

2 (1) Provide reliable information of practical use to employers,
3 employees, representatives of employees, and other governmental
4 agencies on the possible hazards to employees of exposure to toxic
5 materials or harmful physical agents.

6 (2) Collect and evaluate toxicological and epidemiological data
7 and any other information that may be pertinent to establishing
8 harmful effects on health of exposure to toxic materials or harmful
9 physical agents. Nothing in this subdivision shall be construed as
10 authorizing HESIS to require employers, other than chemical
11 manufacturers, formulators, suppliers, distributors, importers, and
12 their agents, to report any information not otherwise required by
13 law.

14 (3) When there is new scientific or medical information and the
15 Chief of HESIS, in consultation with the Director of Industrial
16 Relations and the Chief of the Division of Environmental and
17 Occupational Disease Control in the State Department of Public
18 Health, determines that a substance *may be in use in a place of*

19 *employment, may pose a hazard under a reasonable anticipated*
20 *condition of use, and potentially poses a serious new or*
21 *unrecognized health hazard to an employee, including, but not*
22 *limited to, cancer, reproductive or developmental harm, organ*
23 *system impairment, or death, chemical manufacturers, formulators,*
24 *suppliers, distributors, importers, and their agents, as specified in*
25 *subparagraph (A), shall provide to HESIS the names and addresses*
26 *of their customers who have purchased certain chemicals, as*
27 *specified by HESIS, or commercial products containing those*
28 *chemicals and information related to those shipments, including*
29 *the quantities and dates of shipments, and the proportion of a*
30 *specified chemical within a mixture containing the specified*
31 *chemical, upon written request by HESIS, for every product the*
32 *final destination of which may be a place of employment in*
33 *California. This paragraph shall not apply to a retail seller of the*
34 *substance, whether sold individually or as part of a commercial*
35 *product to the public. The following shall apply to this paragraph:*

36 (A) On or after January 1, 2016, the information requested shall
37 include current and past customers for not more than a one-year
38 period prior to the date the request is issued. The information shall
39 be provided within a reasonable timeframe, not to exceed 30
40 calendar days from the date the request is issued. The information
P6 1 shall be provided in a format specified by the State Department of
2 Public Health but consistent with the responding entity's current
3 data system.

4 (B) Unless, pursuant to other law or regulation the following
5 persons, any other person, or any governmental entity is required
6 to publicly disclose the following information, the names and
7 addresses of customers, the quantities and dates of shipments, and
8 the proportion of a specified chemical within a mixture provided
9 by chemical manufacturers, formulators, suppliers, distributors,
10 importers, and their agents pursuant to this paragraph shall be
11 considered confidential and, except as specified in this
12 subparagraph, exempt from public disclosure under the California
13 Public Records Act (Chapter 3.5 (commencing with Section 6250)
14 of Division 7 of Title 1 of the Government Code). HESIS may
15 disclose that information to officers or employees of the State
16 Department of Public Health, to officers or employees of the state
17 who are responsible for carrying out the purposes of Division 5
18 (commencing with Section 6300), or to the state agencies of the
19 state officers specified in paragraphs (5) and (6). Any officer,
20 employee, or agency to which the information is disclosed shall
21 be subject to this subparagraph.

22 (C) The State Department of Public Health shall be entitled to
23 reimbursement of attorney's fees and costs incurred in seeking an
24 injunction to enforce this paragraph.

25 (4) Recommend to the Chief of the Division of Occupational
26 Safety and Health Administration that an occupational safety and
27 health standard be developed whenever it has been determined
28 that a substance in use or potentially in use in places of employment
29 is potentially toxic at the concentrations or under the conditions
30 used.

31 (5) Notify the Director of Pesticide Regulation of any
32 information developed by HESIS that is relevant to carrying out
33 his or her responsibilities under Chapters 2 (commencing with
34 Section 12751) and 3 (commencing with Section 14001) of
35 Division 7 of the Food and Agricultural Code.

36 (6) Notify the Secretary for Environmental Protection of any

37 information developed by HESIS that is relevant to carrying out
38 his or her responsibilities.

39 (d) The Director of Industrial Relations shall appoint an advisory
40 committee to HESIS. The advisory committee shall consist of four
P7 1 representatives from labor, four representatives from management,
2 four active practitioners in the occupational health field, and three
3 persons knowledgeable in biomedical statistics or information
4 storage and retrieval systems. The advisory committee shall meet
5 on a regular basis at the request of the director. The committee
6 shall be consulted by, and shall advise the director at each phase
7 of the structuring and functioning of the repository and alert system
8 with regard to, the procedures, methodology, validity, and practical
9 utility of collecting, evaluating, and disseminating information
10 concerning hazardous substances, consistent with the primary goals
11 and objectives of the repository.

12 (e) Nothing in this section shall be construed to limit the ability
13 of the State Department of Public Health to propose occupational
14 safety and health standards to the Occupational Safety and Health
15 Standards Board.

16 (f) Policies and procedures shall be developed to assure, to the
17 extent possible, that HESIS uses and does not duplicate the
18 resources of the federal government and other states.

19 (g) On or before December 31 of each year, the Department of
20 Industrial Relations shall submit a report to the Legislature
21 detailing the implementation and operation of HESIS including,
22 but not limited to, the amount and source of funds allocated and
23 spent on repository activities, the toxic materials and harmful
24 physical agents investigated during the past year and
25 recommendations made concerning them, actions taken to inform
26 interested persons of the possible hazards of exposure to toxic
27 materials and harmful physical agents, and any recommendations
28 for legislative changes relating to the functions of HESIS.

29 SEC. 3.

The Legislature finds and declares that Section 1 of
30 this act, which amends Section 6276.12 of the Government Code,
31 imposes a limitation on the public's right of access to the meetings
32 of public bodies or the writings of public officials and agencies
33 within the meaning of Section 3 of Article I of the California
34 Constitution. Pursuant to that constitutional provision, the
35 Legislature makes the following findings to demonstrate the interest
36 protected by this limitation and the need for protecting that interest:

37 In order to protect the names and addresses of customers who
38 have purchased chemicals from chemical manufacturers,
39 formulators, suppliers, distributors, importers, and their agents,
40 the quantities and dates of shipments, and the proportion of a
P8 1 specified chemical within a mixture, it is necessary that lists
2 containing that information be exempt from disclosure, as provided
3 in Section 147.2 of the Labor Code, under the California Public
4 Records Act (Chapter 3.5 (commencing with Section 6250) of
5 Division 7 of Title 1 of the Government Code).