

# CALIFORNIA OSHA STATE PLAN OVERVIEW

## Hazard Communication Program

The California Occupational Safety and Health Administration (Cal/OSHA) requires employers subject to their [hazard communication standard](#) to develop and implement a hazard communication plan. Under the standard, employers are required to provide to their employees information about the hazardous chemicals they may be exposed to when working.

This standard applies to all California employers, manufacturers, distributors, importers and laboratories.

The standard applies when employees may be exposed to hazardous chemicals found in the workplace under normal conditions and reasonably foreseeable emergency conditions. It applies to laboratories that provide quality control or produce hazardous chemicals for commercial purposes.

This overview summarizes general requirements under the standard. Additional requirements may apply to importers, manufacturers and distributors. As a result, these employers may need to refer to the standard or seek the advice of a knowledgeable legal professional to develop their own program.

## Program Sections:

A Cal/OSHA hazard communication program should include the following sections:

- Labels
- Safety Data Sheets
- Training

### LINKS AND RESOURCES

- Cal/OSHA [hazard communication regulation](#)
- [The Cal/OSHA Hazard Communication Regulation Guide](#)
- California's Proposition 65 [website](#)
- Cal/OSHA [etools](#)

Provided to you by [California Restaurant Mutual Benefit Corporation](#)



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## Proposition 65 – “Right to Know”

Proposition 65 is the [Safe Drinking Water and Toxic Enforcement Act](#) (Act). Relevant parts of this law were added into the California hazard communication standard in 1991. The Act requires businesses to provide a clear and reasonable warning before knowingly and intentionally exposing anyone to a [listed](#) chemical deemed to cause cancer, birth defects or reproductive harm. These listed chemicals may be naturally occurring or synthetic, used as ingredients in materials and products or generated as byproducts, emissions and waste.

Proposition 65 applies to all business except those that:

- Employ fewer than 10 employees;
- Are a government agency; or
- Are a public water system.

Employers must establish an ongoing system to obtain an updated list of proposition 65 chemicals. For chemicals that are newly added, warning requirements must be provided within 12 months from the effective date of the listing. Employers must evaluate whether any of the hazardous chemicals they have in their inventory are subject to Proposition 65 requirements. Hazardous chemical containers from out-of-state chemical manufacturers or distributors (who are not subject to Proposition 65) may not have Proposition 65 hazard warnings. California’s employers must meet the requirement in various ways, including affixing additional Proposition 65 warning labels on containers or posting signs in the workplace.

If businesses have one or more of the listed chemicals as an ingredient in a material they use, a product they manufacture or an emission into the environment, they must provide a clear and reasonable warning unless they can prove the exposure causes no significant risk.

The language in the warning must clearly state that the chemical in question is known to cause cancer, birth defects or other reproductive harm. The warning must be given so it effectively reaches the person before they are exposed. Under Proposition 65, warnings are required for:

- Consumer product exposures.
- Occupational exposures.
- Environmental exposures.

Warnings for exposure in the workplace can be communicated by one or a combination of the following:

- A warning on a product label;
- A warning or sign posted conspicuously in the workplace; or
- A warning that complies with the federal OSHA hazard communication [regulation](#), the California hazard communication [regulation](#) or the pesticide worker safety [requirements](#).

Proposition 65 warnings **do not apply** to:

- ☒ An exposure for which federal law preempts state authority;
- ☒ An exposure that takes place less than 12 months from the time the chemical was officially listed in [Chemicals Listed as Known to the State to Cause Cancer or Reproductive Toxicity](#); and
- ☒ An exposure for which employers can show that:

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- The exposure of a given chemical from the list of carcinogens poses no significant cancer risk, assuming lifetime exposure at the level in question.
- The exposure of a given chemical from the list of reproductive toxicants will have no observable effect, assuming exposure at 1,000 times the level in question.

## Written Program Requirements

All California employers, regardless of size, whose employees may be exposed to hazardous chemicals in the workplace must develop, implement and maintain a written hazard communication program. This written program must include procedures for the labeling, SDS and training criteria of the hazard communication regulation and be made available on request. The program must also include the following:

- ☑ A list of the hazardous chemicals known to be present (the list may be compiled for the workplace as a whole or for individual work areas); and
- ☑ Methods that will be used to inform employees of the hazards of nonroutine tasks and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

In **multiemployer workplaces**, the program must include the methods used to inform all employers that share the same worksites about the hazardous chemicals that employees will be exposed to while performing work. The program must include suggestions for appropriate protective measures, including the following:

- ☑ The methods used to provide the other employers with access to the SDS or to make it available at a central location in the workplace, for each hazardous chemical the other employers' employees may be exposed to while working;
- ☑ The methods used to inform the other employers of precautionary measures that need to be taken to protect employees during the workplace's normal operating conditions and in foreseeable emergencies; and
- ☑ The methods used to inform the other employers of the labeling system used in the workplace.

Employers must update the written hazard communication program and provide any additional employee training for any new identified physical or health hazards.

## Chemical Labeling Requirements

Each container of hazardous chemicals in the workplace should be labeled, tagged or marked with:

- A product identifier, signal word, hazard statement, pictogram or precautionary statement;
- Labels, on shipped containers; or,
- A product identifier and words, pictures and symbols, or a combination thereof which provides at least general information regarding the hazards of the chemicals and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with specific information regarding the physical and health hazards of the hazardous chemical.

Employers may use signs, placards, process sheets, batch tickets, operating procedures or other such written materials in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies what the product is and its hazards.

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The written materials must be readily accessible to the employees in their work area throughout each work shift. In construction, employers may use such written materials in lieu of affixing labels to individual containers, as long as the alternative method identifies and accompanies the containers to which it is applicable and conveys the information required to be on a label.

Employers are **not required** to label portable containers into which hazardous chemicals are transferred from labeled containers and which are intended only for the immediate use of the employee who performs the transfer.

Employers must not remove or intentionally deface existing labels on incoming containers of hazardous chemicals, unless the container is immediately marked with the required information.

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

Manufacturers, distributors and importers have other requirements under this section; therefore, they should refer to the regulation for their requirements.

## Hazard Classification

Employers are not required to classify chemicals unless they choose not to rely on the classification performed by the manufacturer, importer or distributor.

## Training Requirements

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

Information and training must be completed on the following:

- The requirements of the hazard communication program.
- The operations in the employee work areas where hazardous chemicals are present.
- The location and availability of the written hazard communication program, including the list of hazardous chemicals and SDSs required by this section.
- The methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (for example, employer monitoring, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released).
- The physical, health, simple asphyxiation, combustible dust and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area and the measures employees can take to protect themselves from these hazards, including specific employer procedures implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures and personal protective equipment to be used.

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- ☑ The details of the employer-developed hazard communication program, including an explanation of the labels received on shipped containers, the workplace labeling system used by their employer and the SDS, and how employees can obtain and use the appropriate hazard information.

Employees must be informed of their rights to:

- Receive information regarding hazardous chemicals to which they may be exposed, according to the provisions of this section;
- Have their physician or collective bargaining agent receive information regarding hazardous chemicals to which the employee may be exposed, according to provisions of this section;
- Have protection from discharge or other discrimination due to the employee's exercise of the rights afforded pursuant to the provisions of the [Hazardous Substances Information and Training Act](#).

Whenever employers receive a new or revised SDS, such information must be provided to employees on a timely basis, not to exceed **30 days after receipt** if there are significant changes from the previous SDS.

## Safety Data Sheets

Employers must have an SDS for each chemical they use. If there is a chemical that is no longer in use, employers must follow the employee exposure and medical records [standard](#) for what must be retained.

SDSs must have 16 sections that provide an overview of the chemical that they are used for. These sections are:

- Section 1: Identification;
- Section 2: Hazard(s) identification;
- Section 3: Composition/information on ingredients;
- Section 4: First aid measures;
- Section 5: Firefighting measures;
- Section 6: Accidental release measures;
- Section 7: Handling and storage;
- Section 8: Exposure controls/personal protection;
- Section 9: Physical and chemical properties;
- Section 10: Stability and reactivity;
- Section 11: Toxicological information;
- Section 12: Ecological information;
- Section 13: Disposal considerations;
- Section 14: Transport information;
- Section 15: Regulatory information; and
- Section 16: Other information, including date of preparation or last revision.

There also must be a section with a description in lay terms, if not otherwise provided, on either a separate sheet or with the body of the information specified, of the specific potential health risks posed by the hazardous chemical, intending to alert any employee reading the information.

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If no relevant information is found for any subheading within a section of the SDS, employers that prepare the SDS must mark it to indicate that no information was found. If the category is not applicable to the hazardous chemical involved, the space must be marked to indicate that.

Where complex mixtures have similar hazards and contents (for example, the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture) employer may prepare one SDS to apply to all of these similar mixtures.

Employers that prepare SDSs must ensure that the information provided accurately reflects the scientific evidence used in making the hazard classification. If an employer becomes aware of any significant information regarding the hazards of a chemical or ways to protect against the hazards, this new information must be added to the SDS within three months. If the chemical is not currently being produced or imported, the manufacturer or importer must add the information to the SDS before the chemical is introduced into the workplace again.

Employers must maintain copies of the required SDSs for each hazardous chemical in the workplace and must ensure that they are readily accessible during each work shift to employees when they are in their work area. (Electronic access and other alternatives to maintaining paper copies of the SDSs are permitted, as long as there are no barriers to immediate employee access). Where employees must travel between workplaces during a work shift, the SDSs may be kept at a central location at the primary workplace facility.

SDSs may be kept in any form and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. SDSs must also be made readily available, upon request, to designated representatives, Cal/OSHA, NIOSH and an employee's physician.

If an SDS is not provided by the manufacturer or importer, an employer must:

- ☑ Within seven working days of noting this missing information, either from a request or in attempting to comply with the standard, make written inquiry to the manufacturer or importer of a hazardous chemical responsible for the SDS, asking that the complete SDS be sent to the employer. If the employer has made written inquiry in the preceding 12 months as to whether the chemical or product is subject to the requirements of this standard, or the employer has made written inquiry within the last six months requesting new or revised information on the SDS for the hazardous chemical, the employer need not make an additional written inquiry;
- ☑ Notify the requester in writing of the date that the inquiry was made, to whom it was made and the response, if any, received. Employers providing the requestor with a copy of the inquiry sent to the manufacturer, producer or seller and a copy of the response will satisfy this requirement;
- ☑ Notify the requestor of the availability of the SDS within 15 days of the receipt of the SDS from the manufacturer, producer or seller, or provide a copy of the SDS to the requestor within 15 days of the receipt of the SDS from the manufacturer, producer or seller; and
- ☑ Send the Cal/OSHA Director a copy of the written inquiry if a response has not been received within 25 working days.

SDS requirements may be different for manufacturers, distributors or importers, so it is important that these entities check the standard for their requirements under the regulation.

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## Employer Trade Secrets

Employers may withhold from the SDS the specific chemical identity of a hazardous chemical or the exact percentage (concentration) of the substance in a mixture, provided that:

- The claim that the information withheld is a trade secret can be supported;
- Information contained in the SDS concerning the properties and effects of the hazardous chemical is disclosed;
- The SDS indicates that the specific chemical identity or percentage of composition is being withheld as a trade secret; and
- The specific chemical identity and percentage is made available to health or safety professionals, employees and designated representatives.

In the case of a medical emergency, either the chemical identity, percentage of composition, or both must be immediately disclosed to medical personnel. In nonemergency situations, disclosure must be made to health or safety professionals and to employees and their designated representatives upon a written request that:

- Explains why the disclosure of the specific chemical identity or percentage of composition is essential; and
- Describes the procedures by which the disclosed information will be kept confidential.

Employers should have procedures in place to maintain the confidentiality of the disclosed information. The safety professional, employee or designated representative should agree in a written confidentiality agreement that they will not use the trade secret information for any purpose other than the health needs asserted in the agreement. There should also be an agreement not to release the information under any circumstances other than to the Cal/OSHA Director, except as authorized by the terms of the agreement or by the manufacturer, importer or employer. However, each situation may be different, so it is important that employers consult with their legal counsel to design procedures to protect their trade secrets.

Employers should ensure that they have a written protection plan and that they have designated staff for developing, implementing and monitoring the hazard communication program. This will help maintain the program and make sure there is a current inventory list on all hazardous chemicals.