

SENATOR WILLIAM MONNING
SB 193
PROTECTING EMPLOYEES
EXPOSED TO TOXIC MATERIALS

SUMMARY

SB 193 would require chemical manufacturers, suppliers, distributors, importers and their agents, when requested to do so by the Hazardous Evaluation System and Information Service (HESIS) maintained jointly at the Department of Industrial Relations (DIR) and the Department of Public Health (CDPH), and under conditions of confidentiality, to provide names and addresses of customers who have purchased chemicals or products containing those chemicals, and their proportions, to the repository maintained by the HESIS.

BACKGROUND

Statutes of 1978 established the HESIS repository mandating that it 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. The 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 posed by specific chemicals. SB 193 expands the data collection abilities of the HESIS by requiring chemical manufacturers and others to comply with a formal written request from the HESIS to provide the customer names and addresses.

PROBLEM

In the absence of a robust federal policy on chemicals, California has confronted many difficulties when responding to the release of chemical hazards. Too often, protection only comes after damaging effects to workers' health have become pervasive. Sharing information about the dangers of new, unregulated chemicals, and about safe substitutes is very difficult when products are used in many

different settings. When it has been able to obtain the necessary information, HESIS has provided early warnings to various industries concerning prospective hazards, such as alerts on chemicals posing reproductive hazards.

SOLUTION

SB 193 is a necessary tool so HESIS may effectively implement its legislative mandate to provide information of practical use to employers, employees, and other governmental agencies on the hazards of toxic materials used in workplaces. The information will also help HESIS identify the California workers known to be at risk, thereby increasing the efficiency of its program. Specifically, SB 193 would:

- 1) Require certain organizations such as chemical manufacturers, suppliers, distributors, and importers, upon request by HESIS (the "repository"), to provide the names and addresses of employer customers who purchased specified chemicals or commercial products containing specified toxic chemicals, the amounts purchased, and if a mixture, the proportion of toxic material in the mixture;
- 2) Entitle CDPH to be reimbursed for attorneys' fees and costs incurred in seeking an injunction to enforce this requirement; and
- 3) Assure that the customer list would be kept confidential under the California Public Records Act.

SUPPORT/OPPOSITION

Support:

- American Public Health Association:
Occupational Safety & Health Sec.
- California Healthy Nail Salon Collaborative
- California Rural Legal Assistance Fdn
- California State Assoc of Occupational Health Nurses (CSAOHN)
- Clean Water Action California
- International Longshore & Warehouse Union, Northern CA District Council

- Labor + Employment Committee of the National Lawyers Guild
- Mujeres Unidas y Activas
- Silicon Valley Toxics Association
- Worksafe

Opposition:

None on file

FOR MORE INFORMATION

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