

SENATOR WILLIAM MONNING
SB 193
PROTECTING EMPLOYEES
EXPOSED TO TOXIC MATERIALS

SUMMARY

SB 193 would require chemical manufacturers, formulators, suppliers, distributors, importers and their agents, **when requested** to do so by the Hazard Evaluation System and Information Service (HESIS or the “repository” - a government agency maintained jointly by the Department of Industrial Relations and the Department of Public Health), and **under conditions of confidentiality**, to provide HESIS with **a) the names and addresses of California employer customers** 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 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. 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. SB 193 supports HESIS’ ability to carry out its 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 damaging effects to workers’ health have become pervasive. Sharing information about the dangers of serious new or unrecognized health

hazards posed by a toxic chemical and about safe substitutes is very difficult when products are used in many different settings. When HESIS obtains new scientific or medical information, it has provided early warnings to various industries concerning prospective hazards, such as alerts warning about cancer, reproductive or developmental harm, and organ system impairment such as serious lung disease .

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 help HESIS identify California workers at risk and increase the efficiency of its program. This bill provides HESIS the authority to obtain needed information and effectively utilize scarce resources by contacting the actual employers or others to whom toxic material is being shipped. It will allow HESIS to set priorities based on knowing where the largest shipments of greatest concentration are going. Thus HESIS can meet its mandate to provide information about toxic materials, including safe substitutes, so that employers have the information they need to protect California workers exposed to those substances as the law already requires. Getting information directly to the employers who need it – and then from the employers to their employees – is an effective approach.

Specifically, SB 193 will:

- 1) Require certain entities to provide specified customer information (see Summary Section);
- 2) Permit CDPH to be reimbursed for attorneys’ fees and costs incurred in enforcing this requirement; and
- 3) Assure that provided information, not made public by another law or regulation, will be kept confidential under the California Public Records Act.

SUPPORT/OPPPOSITION

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 Technical 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
- UNITE-HERE
- UFCW United Food and Commercial Workers Western States Council
- Utility Workers of America

- Western Occupational & Environmental Medical Association
- WORKSAFE

Opposition:

- American Chemistry Council
- American Cleaning Institute
- American Coatings Association
- California Chamber of Commerce
- California League of Food Processors
- CA Grocers Association
- CA Independent Oil Marketers Association
- California Manufacturers and Technology Association
- California Paint Council
- Chemical Industry Council of California
- Consumer Specialty Products Association
- National Association of Chemical Distributors
- National Federation of Independent Business
- Society of Chemical Manufacturers & Affiliates
- Styrene Information & Research Center
- Toy Industry Association
- Western Plant Association

FOR MORE INFORMATION

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