Comparison of California's Current Standard with New OSHA, and Temporary Adoption

California-- Present	OSHA	California Temporary Adoption 3-2013
Hazardous substance. Any substance which is a physical hazard or a health hazard or is included in the List of Hazardous Substances prepared by the Director pursuant to Labor Code section 6382.	*Hazardous chemical means any chemical which is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.*	Hazardous chemical. Any chemical which is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified-or is included in the List of Hazardous Substances prepared by the Director pursuant to Labor Code section 6382.
Health Hazard -- A substance for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes substances which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Appendix A provides further definitions and explanations of the scope of health hazards covered by this section, and Appendix B describes the criteria to be used to determine whether or not a substance is to be considered hazardous for purposes of this standard.	*Health hazard* means a chemical which is classified as posing one of the following hazardous effects: acute toxicity (any route of exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); or aspiration hazard. The criteria for determining whether a chemical is classified as a health hazard are detailed in Appendix A to §1910.1200—Health Hazard Criteria	Health hazard. A chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are classified as posing one of the following hazardous effects: acute toxicity (any route of exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); or aspiration hazard. The criteria for determining whether a chemical is classified as a health hazard are detailed in Appendix A to this section-- Health Hazard Criteria.
Physical hazard. A substance for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.	*Physical hazard* means a chemical that is classified as posing one of the following hazardous effects: explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid or gas); self-reactive; pyrophoric (liquid or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; or in contact with water emits flammable gas. See Appendix B to §1910.1200—Physical Hazard Criteria.	Physical hazard. A chemical that is classified as posing one of the following hazardous effects: explosive; flammable (gases, aerosols, liquids, or solids); combustible liquid; oxidizer (liquid, solid or gas); self-reactive; water-reactive; pyrophoric (liquid or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; or in contact with water emits flammable gas. See Appendix B to section 5194 -- Physical Hazard Criteria.

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(d)(2) Manufacturers, importers, or employers evaluating substances shall identify and consider the available scientific evidence concerning such hazards. For health hazards, evidence which is statistically significant and which is based on at least one positive study conducted in accordance with established scientific principles is considered to be sufficient to establish a hazardous effect if the results of the study meet the definitions of health hazards in this section. Appendix A shall be consulted for the scope of health hazards covered, and Appendix B shall be consulted for the criteria to be followed with respect to the completeness of the evaluation, and the data to be reported.	(d)(2)Chemical manufacturers, importers or employers classifying chemicals shall identify and consider the full range of available scientific literature and other evidence concerning the potential hazards. There is no requirement to test the chemical to determine how to classify its hazards. Appendix A to § 1910.1200 shall be consulted for classification of health hazards, and Appendix B to § 1910.1200 shall be consulted for the classification of physical hazards.	(d)(2) Manufacturers, importers, or employers ~~evaluating~~ classifying chemicals ~~substances~~ shall identify and consider the full range of available scientific literature and other evidence concerning ~~such~~ the potential hazards. For health hazards, evidence which is statistically significant and which is based on at least one positive study conducted in accordance with established scientific principles is considered to be sufficient to establish a hazardous effect if the results of the study meet the definitions of health hazards in this section. Appendix A to section 5194 shall be consulted for ~~the scope of~~ classification of health hazards covered, and Appendix B to section 5194 shall be consulted for the classification of physical hazards.
(3) The manufacturer, importer, or employer evaluating substances shall treat any of the following sources as establishing that the substances listed in them are hazardous: (A) The list of hazardous substances prepared by the Director pursuant to Labor Code section 6382 and as promulgated in title 8, California Code of Regulations, section 339. The concentrations and footnotes which are applicable to the list shall be understood to modify the same substance on all other source lists or hazard determinations set forth in sections 5194(d)(3)(B)-5194(d)(5)(D). (B) 29 CFR part 1910, subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA). (C) Threshold Limit Values for Chemical Substances in the Work Environment, American Conference of Governmental Industrial Hygienists (ACGIH) (latest edition). The manufacturer, importer, or employer is still responsible for	Source lists eliminated	(3) The manufacturer, importer, or employer classifying chemicals evaluating substances shall treat any of the following sources as establishing that the chemical substances listed in them are hazardous: (A) The list of hazardous substances prepared by the Director pursuant to Labor Code section 6382 and as promulgated in title 8, California Code of Regulations, section 339. The concentrations and footnotes which are applicable to the list shall be understood to modify the same substance on all other source lists or hazard determinations set forth in sections 5194(d)(3)(B)-5194(d)(5)(C~~D~~). (B) 29 CFR part 1910, subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA). (C) Threshold Limit Values for Chemical Substances in the Work Environment, American Conference of Governmental Industrial Hygienists (ACGIH) (latest edition). The manufacturer, importer, or employer is still responsible for classifying evaluating the hazards associated with the chemicals substances in these source lists in accordance with the requirements of the standard.

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evaluating the hazards associated with the substances in these source lists in accordance with the requirements of the standard.		
(d)(4) (4) Manufacturers, importers, and employers evaluating substances shall treat any of the following sources as establishing that a substance is a carcinogen or potential carcinogen for hazard communication purposes: (A) National Toxicology Program (NTP), Annual Report on Carcinogens, (latest edition). (B) International Agency for Research on Cancer (IARC) Monographs (latest editions). (C) 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration. Note to (d)(4): The Registry of Toxic Effects of Chemical Substances published by the National Institute for Occupational Safety and Health indicates whether a substance has been found by NTP or IARC to be a potential carcinogen.	Source lists eliminated	(d)(4) Manufacturers, importers, and employers classifying chemicals evaluating substances shall treat any of the following sources as establishing that a chemical substance is a carcinogen or potential carcinogen for hazard communication purposes: (A) National Toxicology Program (NTP), Annual Report on Carcinogens, (latest edition). (B) International Agency for Research on Cancer (IARC) Monographs (latest editions). (C) 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration. Note to (d)(4): The registry of Toxic Effects of Chemical Substances published by the National Institute for Occupational Safety and Health indicates whether a substance has been found by NTP or IARC to be a potential carcinogen.
(d)(5) The manufacturer, importer, or employer shall determine the hazards of mixtures of substances as follows: (A) If a mixture has been tested as a whole to determine its hazards, the results of such testing shall be used to determine whether the mixture is hazardous; (B) If a mixture has not been tested as a whole to determine whether the mixture is a health hazard, the mixture shall be assumed to present the same health hazards as do the components which comprise one percent (by weight or volume) or greater of the mixture, except that the mixture shall be assumed to present a carcinogenic hazard if it contains a component in concentrations of 0.1 percent or	(d)(3)(i) Chemical manufacturers, importers, or employers evaluating chemicals shall follow the procedures described in Appendices A and B to Sec. 1910.1200 to classify the hazards of the chemicals, including determinations regarding when mixtures of the classified chemicals are covered by this section. (d)(3)(ii) When classifying mixtures they produce or import, chemical manufacturers and importers of mixtures may rely on the information provided on the current safety	(d)(5) Mixtures. (A) Manufacturers, importers, or employers evaluating chemicals shall follow the procedures described in Appendices A and B to section 5194 to classify the hazards of the chemicals, including determinations regarding when mixtures of the classified chemicals are covered by this section. (B) When classifying mixtures they produce or import, manufacturers and importers of mixtures may rely on the information provided on the current safety data sheets of the individual ingredients except where the manufacturer or importer knows, or in the exercise of reasonable diligence should know, that the safety data sheet misstates or omits information required by this section. (C~~D~~) If the manufacturer, importer, or employer has evidence to indicate that a

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greater which is considered to be a carcinogen under section 5194(d)(4); (C) If a mixture has not been tested as a whole to determine whether the mixture is a physical hazard, the manufacturer, importer, or employer may use whatever scientifically valid data is available to evaluate the physical hazard potential of the mixture; and (D) If the manufacturer, importer, or employer has evidence to indicate that a component present in the mixture in concentrations of less than one percent (or in the case of carcinogens, less than 0.1 percent) could be released in concentrations which would exceed an established permissible exposure limit or ACGIH Threshold Limit Value, or could present a health hazard to employees in those concentrations, the mixture shall be assumed to present the same hazard.	data sheets of the individual ingredients, except where the chemical manufacturer or importer knows, or in the exercise of reasonable diligence should know, that the safety data sheet misstates or omits information required by this section.	component present in the mixture in concentrations of less than one percent (or in the case of carcinogens, less than 0.1 percent) could be released in concentrations which would exceed an established permissible exposure limit or ACGIH Threshold Limit Value, or could present a health hazard to employees in those concentrations, the mixture shall be assumed to present the same hazard.
(d)(6) Manufacturers, importers, or employers evaluating hazardous substances shall describe in writing the procedures they use to determine the hazards of the substance they evaluate. The written procedures are to be made available, upon request, to employees, their designated representatives, the Director, and NIOSH. The written description may be incorporated into the written hazard communication program required under section 5194(e).	Eliminated	(d)(6) Manufacturers, importers, or employers evaluating hazardous substances classifying chemicals shall describe in writing the procedures they use to determine the hazards of the substance chemicals they evaluate. The written procedures are to be made available, upon request, to employees, their designated representatives, the Director, and NIOSH. The written description may be incorporated into the written hazard communication program required under section 5194(e).
(f)(10) Manufacturers, importers, distributors, or employers who become newly aware of any significant information regarding the hazards of a substance shall revise the labels for the substance within three months of	Chemical manufacturers, importers, distributors, or employers who become newly aware of any significant information regarding the hazards of a chemical shall revise the labels for the	(f)(11) Manufacturers, importers, distributors, or employers who become newly aware of any significant information regarding the hazards of a substance chemical shall revise the labels for the substance chemical within three months of becoming aware of the new information. Labels on containers of hazardous

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becoming aware of the new information. Labels on containers of hazardous substances shipped after that time shall contain the new information. If the substance is not currently produced or imported, the manufacturer, importer, distributor, or employer shall add the information to the label before the substance is shipped or introduced into the workplace again.	chemical within six months of becoming aware of the new information, and shall ensure that labels on containers of hazardous chemicals shipped after that time contain the new information. If the chemical is not currently produced or imported, the chemical manufacturer, importer, distributor, or employer shall add the information to the label before the chemical is shipped or introduced into the workplace again.	chemicals substances shipped after that time shall contain the new information. If the substance chemical is not currently produced or imported, the manufacturer, importer, distributor, or employer shall add the information to the label before the substance chemical is shipped or introduced into the workplace again.