

## California Industrial Hygiene Council October 2008 Update

The California Industrial Hygiene Council (CIHC) met in San Diego at the Westgate Hotel (site of 2008 CIHC conference) on September 9, 2008 to discuss a number of topics impacting California's AIHA Local Sections, its membership, practice and impending Conference. Meeting highlights include the following:

- Plans for the 2008 CIHC Conference (CIHC's 18<sup>th</sup> annual Conference) are well underway. The conference agenda and registration is available online at [www.cihconline.com](http://www.cihconline.com). This coming year's Conference will be held on December 8-10 at the Westgate Hotel in San Diego. Themes were identified, sessions organized and speakers confirmed. It goes without saying that there will be many interesting and timely presentations available to the membership. Stay tuned!
- The "**Green Chemistry Initiative**" is one of the most significant "toxics" legislative developments in years. The Initiative, citing the failure of federal policies to regulate chemicals comprehensively, is a Cal-EPA effort to greatly improve chemical information, regulatory oversight, and support for green chemistry research, development, technical assistance and education. It essentially places the European Economic Union's (EEU's) REACH regulations (which require a hazard/risk determination for all chemicals in use) on California's doorstep.

Members of the CIHC Board and its legislative advocate met with Cal-EPA's DTSC senior staff to discuss California's **Green Chemistry Initiative**, its deliverables, and CIHC's potential role in Cal-EPA's continued policy development. Senior scientist Dr. Wong was open to CIHC's involvement and input to the Phase 1 Report (in distribution) and Phase 2 Report (impending). Attached are two files—a table (developed by CIHC) which summarizes the Initiative's Report 1 overarching primary elements, recommended options, regulations and other initiatives; and pages copied directly from the May 2008 Phase 1 Report listing the Initiative's Science Advisory Panel and highlighting its Executive Summary, Mission and Values. Any future input provided DTSC by CIHC will be reviewed by California's local section boards for alignment prior to submittal.

To date, two bills fall under the **Green Chemistry Initiative** umbrella of regulations, with promise of more to come—**CA Assembly Bill 1879 (Feurer)** and **CA Senate Bill 509 (Simitian)**. Both bills were signed by the Governor.

**CA AB 1879 (Feurer)** requires the Dept of Toxic Substances Control (DTSC) to adopt regulations establishing a process by which chemical or chemical ingredients in products may be identified and prioritized for consideration as being chemicals of concern, a related adoption procedure, and a process to determine how best to limit exposure or reduce the level of hazard posed by chemicals of concern. It addresses labeling requirements, exposure, green chemistry challenge grants, and chemical use restrictions. Furthermore, it requires a related panel. CIHC initially opposed the bill for many reasons, some of which included-- short notice provided for the public and affected parties to review it after it came out of the Assembly Environmental Safety & Toxic Materials Committee; general sense that Cal EPA's impending "Green Chemistry Initiative" policy, weeks away from being launched, would perhaps address many of AB1879's same issues; arbitrarily-derived "list of chemicals" with no process to add or delete chemicals on this list; inadequate scientific underpinnings, ignoring basic toxicology principles; potential confusion, conflict and redundancy with existing laws and regulations (8 CCR 5194, Hazard Communication).

**CA SB 509 (Simitian)** requires the Dept of Toxic Substances Control to establish a Toxics Information Clearinghouse, making more chemical risk information available to the public. This requires that the Clearinghouse list hazards and toxicological endpoint data.

- California's proposed **Aerosol Transmissible Disease Standards, Title 8: 5199 and 5199.1** are an attempt to incorporate all aerosol transmissible requirements under one umbrella standard. They have undergone development and review over the past 4 years, with a final hearing held with Cal-OSHA in Sacramento (which a CIHC attended). Although CIHC has not been actively engaged in the review of this proposed Standard over the past 4 years (a number of local section members have been involved individually however), one of its representatives did attend the final hearings in Sacramento. The Standard was generally endorsed by attendees, although specific technical details still required dialogue. Cal-OSHA agreed to continue the dialogue with its stakeholders to address the ongoing technical concerns.

Given CIHC's lack of engagement in the review and development of these Aerosols Standards, CIHC decided to incorporate the tracking of regulatory developments (and not just legislative progress) as part of its future strategic work.

- In terms of bills initiated by CIHC, **AB 2796 (Nava), the Good Samaritan Bill**, has passed and was signed by the Governor. AB2796 amends the State Emergency Services Act by setting up a state registry of professionals who would volunteer and assist during states of emergency without fear of suit.
- **AB 515 (Lieber), Occupational Safety and Health PELs**, became **AB 514 (Lieber)**, then **AB 1183 (Lieber)** in an attempt to keep it alive. The bill, and its subsequent attempts, would have required the Occupational Safety and Health Standards Board to adopt standards establishing permissible exposure limits (PELs) for toxic materials in the workplace that correspond to the health-based occupational exposure level determined for that substance by specified environmental hazard agencies. All bill attempts failed.
- **SB 1386 (Lowenthal)** would have required all residential units to install carbon monoxide detectors. The bill was vetoed by the Governor.
- In terms of CIHC's legislative tracking activity during 2008, 63 bills were included in its Report. Of the 22 bills that went to the Governor, 14 were signed and 8 vetoed. The balance of the bills failed.
- CIHC's strategic planning efforts were reviewed, local section input discussed, and the plan upgraded. The strategic plan discussions will continue at CIHC's next meeting in October.

Respectfully Submitted by the CIHC Local Section Representatives