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Senator Bill Monning
State Capitol, Room 4066
Sacramento, CA 95814

Re: SB 193 (Monning) Comments

Dear Senator Monning:

Please forgive the tardiness of these comments, and understand that we are not opposing your bill. On behalf of the California Industrial Hygiene Council (CIHC), we would like to share some lingering concerns about SB 193. We have followed its evolution and, directionally, believe it can fill an informational void in California. Our advocate, Cathy Barankin has also spoken to Kathy Smith in your office on a couple of occasions to discuss this bill as well.

While the evolution of SB 193 over the past year has resulted in adjustments to the original text which has upgraded its content and workability, it still falls somewhat short of being scientifically workable. The following are a few thoughts for your consideration:

Trigger Thresholds:

- The first concern resides with how triggers are defined and how determinations are made to issue scientific alerts. Existing language, which is too open ended at present, cites that...

"When there is new scientific or medical information and the Chief of HESIS, in consultation with the Chief of the Division of Environmental and Occupational Disease Control in the State Department of Public Health, determines that a substance potentially poses a serious new or unrecognized health hazard to an employee, including, but not limited to, cancer, reproductive or developmental harm, organ system impairment, or death, chemical manufacturers, formulators, suppliers, distributors, importers, and their agents, as specified in subparagraph (A), shall provide HESIS the names and addresses of their customers who have purchased certain chemicals, as specified by HESIS, or commercial products containing those chemicals and information related to those shipments, including the quantities and dates of shipments, and the proportion of a specified chemical within a mixture containing the specified chemical, upon written request by HESIS, for every product the final destination of which may be a place of employment in California."

While CIHC recognizes the importance of scientific alerts, it questions the omission of language which states that this alert is being issued because existing standards or orders are not able to render this chemical "safe" and

that immediate action to avoid serious harm dictates this informational transmittal.

It is vitally important that the existing EH&S regulatory infrastructures are being leveraged vs having this "one off" informational transmittal assume the job of informing workers and customers under normal protocols. To do otherwise will impose an undue burden on regulators, employers and customers alike.

Department of Industrial Relations (DIR) Involvement:

- Existing language does not recognize the Department of Industrial Relations (DIR) as being critical in deliberations on information transmittal and/or enforcement. HESIS's issuance of alerts to businesses is not consistent with federally and state mandated workplace protocols for transmitting such information. Any new authority assumed by HESIS should only be employed when the existing regulatory infrastructure makes no provision for warning in a timely manner. Any final deliberations by HESIS must be done in consultation with DIR.

Founded in 1990, the California Industrial Hygiene Council (CIHC) represents the occupational and environmental health profession in California and is affiliated with the American Industrial Hygiene Association (AIHA), a 10,000 member national organization, as well as the International Occupational Hygiene Association (IOHA), which represents the global community of Occupational Hygiene organizations in over 34 countries. Go to www.cihconline.com for further information about CIHC.

Please feel free to contact us if we can be of assistance. We are available and willing to discuss any of these comments and believe that the bill could be strengthened if these concerns were addressed.

Respectfully submitted,



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