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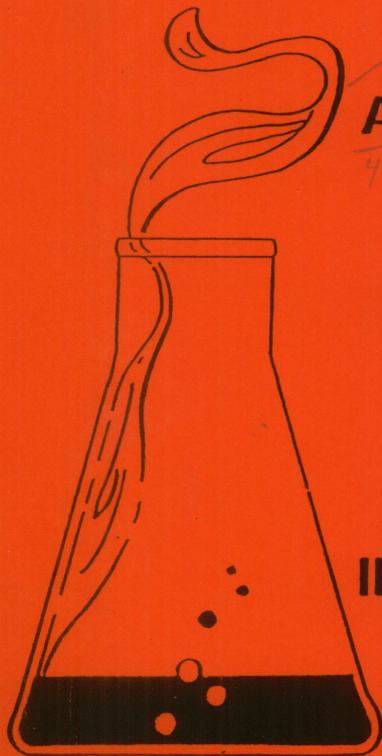
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IIR

Center for Labor Research and Education



A WORKER'S GUIDE
 to
RIGHT TO KNOW
 about
HAZARDS
IN THE WORKPLACE

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Prepared by Marianne Parker Brown

Los Angeles 1987

A WORKER'S GUIDE
to
RIGHT TO KNOW
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HAZARDS IN THE WORKPLACE

Prepared by
Marianne Parker Brown
UCLA Center for Labor Research and Education,
IIR
UC Southern Occupational Health Center

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FOREWORD

Two words, "workers' rights," become increasingly more prominent in the lexicon of labor-management relations with the passage of additional legislation at either the national or state level, or both. Laws which protect the individual worker broadly range from minimum wage protection to prohibiting discrimination against an applicant or employee because of that person's race, religion, sex, etc., to the right to a job without health and safety hazards. These laws supplement or complement similar negotiated protections incorporated in collective bargaining agreements and, for the non-union worker, are the only recourse available.

A case in point is the California "right-to-know law" which is the subject of this publication: the right of workers to know about potential health and safety hazards associated with a vast array of chemicals.

This guide should be useful to the employee. Equally, it should be useful to the employer, for it is the latter who is legally obligated to furnish information to the employee. Thus, the guide can be a mutually useful tool to a joint labor-management committee.

While other handy reference guides may be available, we have a feeling that this publication goes a step beyond most by offering wallet-size cards to be carried by anyone who wishes to have a fast and easy reference as to what information rights are mandated by the California Occupational Safety and Health Act, thus becoming "walking billboards" of a worker's right-to-know about on-the-job health and safety hazards and the standards that should be followed by the employer.

Our thanks to the Southern California Educational Resource Center of the University of Southern California for its financial assistance in this undertaking which is issued under the auspices of the Center for Labor Research and Education of the UCLA Institute of Industrial Relations and the Southern Occupational Health Center of the University of California.

Geraldine Leshin
Assistant Director for
Labor Research and Education
UCLA Institute of Industrial Relations

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I. INTRODUCTION

It is estimated that 55,000 chemicals exist in the workplace and approximately 1,000 new chemicals are introduced each year. A national survey conducted by the National Institute for Occupational Safety and Health (NIOSH) in the mid 1970s found that for 90 percent of the exposures in the 4,600 workplaces sampled, neither the employees who were using the products nor the employers who bought the products knew their chemical contents.¹

Without basic information about chemical contents, it is difficult and often impossible to know if a given exposure might be hazardous and what precautions employees and employers should take to reduce or eliminate such hazards. In an effort to prevent occupationally related disease, the National Institute for Occupational Safety and Health recommended in 1974 that the Occupational Safety and Health Administration (OSHA) issue a "right to know" standard. Such a standard would give employees the "right to know" certain information about the substances with which they worked - chemical names, health hazards, proper handling procedures, and exposure controls the employer must implement. In 1977, OSHA issued a notice that they were developing such a standard.

That same year, male workers at the Occidental Chemical Company in Lathrop, California, were found to be sterile. They suspected their problem was work related after some discussion among themselves and with their union representatives. It was discovered that one of the pesticides they were manufacturing, dibromochloropropane (DBCP), when studied nearly fifteen years earlier had caused testicular atrophy in rats. Neither the company nor the workers had ever heard of this study, although it had been published in a scientific journal.

This incident, coupled with an increasing awareness among workers, environmentalists and other public interest groups, spawned a California worker right to know bill which was introduced into the California legislature by Assemblyman Tom Bates in March 1979 (AB 1199 - the Toxic Chemical Information Act). One occupational health activist who helped write this bill emphasized that "the major goal was to get information to the worker on a daily, shop-floor basis in a form that was brief and accessible."²

The definition of what is a "toxic chemical" in the proposed Toxic Chemical Information Act of 1979 was very broad and included all the substances listed in the NIOSH Registry of Toxic Effects of Chemical Substances or reported in the NIOSH Current Intelligence Bulletins. It required that: (1) information be posted directly at the point of handling and written warnings be posted as close to the work area as possible; (2) employers prepare or have someone prepare for them a detailed Material Safety Data Sheet (MSDS);³ (3) trade secret provisions relate only to a description of process or amount of substance; and (4) no employee be required to work with any toxic chemical if toxic chemical information was not provided.

Although unsuccessful in passage, this bill paved the way for the passage of a compromise version the next year - Senator John Nejedly's Hazardous Substances Information and Training Act (SB 1874). This Bill required that: (1) the director of the Department of Industrial Relations, with the approval of the Cal-OSHA Standards Board, establish a list of hazardous substances (approximately 800 substances were placed on this list in 1982); (2) the manufacturer who sells hazardous substances would have to prepare and provide MSDSs to persons who purchased the substances; (3) the Cal-OSHA Standards Board would have to create a standard which would require employers to make such hazardous substance information available to employees; and (4) the director would determine whether hazardous substance data submitted to the department qualified as trade secrets. Industry originally opposed this bill, but, recognizing that a right to know law was inevitable, got involved in its development and supported the final version. In September 1985 a revised right to know bill (AB 1042), sponsored by assemblyman William Jones, was signed by the governor. This bill authorized the inclusion of all the provisions of the Federal Hazard Communication Standard into California's Hazardous Substances Information and Training Act (HSITA).

The standard, or regulation, which provides appropriate language to implement HSITA, General Industry Safety Order (GISO) #5194, (the "Material Safety Data Sheets Standard") was issued on February 22, 1983. This standard specifies how SB 1874 must be implemented, spelling out the responsibilities of the manufacturer and employer under the Act. GISO #5194 was revised on November 23, 1985, when provisions from the federal Hazard Communication Standard were incorporated into the state regulation.⁴ The title of GISO #5194 was changed at that time to the "Hazard Communication Standard." For specifics of this standard see Section II.

Another right to know standard was already "on the books" in California - GISO #3204, the Access to Medical and Exposure Records Standard, which had gone into effect on April 19, 1981.

This standard provides workers with the right to receive copies of their company medical records and company environmental monitoring records. Need for such a standard was apparent to many when it was discovered that some asbestos workers, who had company exams indicating asbestos-related lung disease, had never been informed of their serious medical conditions.⁵

II. WHAT THE RIGHT TO KNOW STANDARDS PROVIDE WORKERS

Hazard Communication Standard

The purpose of the Hazard Communication Standard, GISO #5194, is to ensure that manufacturers and importers of hazardous substances evaluate those substances, and that knowledge of the hazards are transmitted to all employers and employees through labels, material safety data sheets, and employee training so that actions can be taken to eliminate hazards.

Who is Covered

All workers in California are covered except: (1) those who work in laboratories under the direct supervision of technically qualified individuals who have knowledge of all the hazards and convey that knowledge to employees; (2) those employees who use only products packaged for distribution to, and used by the general public; (3) federal employees; and (4) agricultural workers.⁶

Substances Covered

GISO #5194 is what is called a "performance" standard. That is, it is the responsibility of the manufacturer/importer to examine available scientific evidence and make a determination whether a substance is hazardous. The standard says that the manufacturer/importer should use the following sources in making the determination: the Director's List of Hazardous Substances,⁷ the 29 Code of Federal Regulations, Part 1910, subpart Z, (that is, all of federal OSHA's standards); Threshold Limit Values for Chemical Substances in the Work Environment,⁸ the National Toxicology Program's Third Annual Report on Carcinogens (1983); and the International Agency for Research on Cancer's Monographs, Volumes 1-34, January 1983.

All substances are covered under GISO #5194 except: (1) pesticides covered under the Federal Insecticide, Fungicide and Rodenticide Act; (2) any item covered under the Federal Food, Drug and Cosmetic Act; (3) any beverage alcohol; (4) any consumer product covered by the Consumer Product Safety Act; (5) tobacco or tobacco products; and (6) wood or wood products.

Labeling Requirements

Each container of hazardous substance the manufacturer/importer/distributor sells must be labeled with the following information: (1) identity of the hazardous substances; (2) hazard warnings; and (3) name and address of manufacturer/importer.

Once the substance arrives at the workplace, the employer may use signs, placards, process sheets, batch tickets, operating procedures or other written materials instead of affixing labels to individual stationary containers. Warnings must be clearly displayed and legible in English. The employer does not have to label portable containers into which hazardous substances are transferred from labeled containers if the portable containers are intended only for immediate use by the same employee who transferred the substance.

Material Safety Data Sheet Requirements

Manufacturers and importers have to obtain or develop a Material Safety Data Sheet (MSDS) for each hazardous substance they produce or import,⁹ and they must pass these MSDSs on to the employers. Employers must have received an MSDS for each hazardous substance they use. The MSDS must be in English and contain at least the following information:

- A. The identity used on the label:
 1. For a single substance: chemical name, common name, Chemical Abstracts Service (CAS) number.
 2. For a mixture of substances: chemical name, common name, CAS numbers of the ingredients in the mixture, and the name of the mixture.
- B. Physical/chemical properties of the hazardous substance.
- C. Physical hazards.
- D. Health hazards.
- E. Potential ways the substances can enter the body.
- F. The OSHA permissible exposure limit (PEL) and ACGIH threshold limit value (TLV).
- G. Whether the substance has been found to be a potential carcinogen.

- H. Precautions for safe handling and use.
- I. Recommended exposure control measures.
- J. Emergency and first-aid procedures.
- K. The date the MSDS was prepared or when the last change was made.
- L. The name, address, and phone number of the preparer of the MSDS.
- M. A description in lay terms of the potential health effects posed by the hazardous substance.

The employer shall ensure that upon request the MSDSs are readily available during each workshift to employees and their designated representatives (employees' physicians or union representatives). MSDSs must also be readily available to the Chief of the Division of Occupational Safety and Health and NIOSH.

If the MSDS is not provided by the manufacturer or importer the employer must: (1) within seven days of a request for an MSDS (from an employee, etc.) make a written inquiry to the manufacturer, producer or seller; (2) notify the requester in writing that a request was made; (3) notify the requester within fifteen days of receipt of the availability of the MSDS; and (4) if no response is received within twenty-five working days, send the director of the California Department of Industrial Relations a copy of the request with a note that no response was received.

Employee Training Requirements

Employers shall provide employees with information and training on hazardous substances at the time they begin a new job and whenever a new hazard is introduced.¹⁰ The training shall include:

- A. How to identify the presence or release of a hazardous substance in the work area (visual appearance, odor, monitoring devices).
- B. Physical and health hazards associated with the use of substances in the work area and proper precautions to take.
- C. Details of the hazard communication program: explanations of the labeling system, Material Safety Data Sheets, and how employees can obtain and use the hazard information.

Information Requirements

In addition, employers shall, in written form or through a training program:

- A. Provide employees within thirty days of the receipt of a new MSDS any new information which indicates increased risks or protective measures.
- B. Inform employees of their rights under this standard to receive hazardous substance information; the right of their physician or collective bargaining agent to receive information regarding hazardous substances; and their right not to be discharged or discriminated against as a result of exercising their rights.
- C. Inform employees and their representatives of the location and availability of the employer's written hazard communication program, which will include: (1) a list of hazardous substances present in the workplace; (2) the methods the employer will use to inform employees; and (3) the method employers will use to inform any contractors of substances to which their employees may be exposed.¹¹

Access to Employee Exposure and Medical Records Standard

The following are all provisions included as part of the Access to Medical and Exposure Records Standard (GISO #3204). This standard gives employees, their designated representatives, and Cal-OSHA the right to see and copy any relevant exposure and medical records in order to improve the prevention, detection and treatment of occupational disease.

Who is Covered

Those covered under GISO #3204 include: every current or former employee whose employer makes, maintains, contracts for, or has access to employee exposure or medical records or analyses thereof.

Substances Covered

Those substances which are covered under GISO #3204 include: any chemical substance, biological agent (bacteria, virus, fungus, etc.) or physical stress (noise, heat, cold, vibration, etc.) which: (1) is regulated by any California or federal law or rule as a health hazard; (2) is listed in the latest edition of NIOSH's Registry of Toxic Effects of Chemi-

cal Substances; (3) has yielded positive evidence of a health hazard in a study conducted by, or known to, the employer; and (4) is described by an MSDS, available to the employer, which indicates a health hazard.

Disclosure Requirements

The employee has the right to see and copy: (1) his/her own medical records; (2) records of his/her present or past exposures to toxic substances or harmful physical agents; and (3) analyses of medical and exposure records where personal identifiers are removed.

The worker's designated representative (collective bargaining agent or physician) can have access to (2) and (3) above, but cannot have access to the individual's medical records without written consent from the worker (see Appendix 2 for a sample consent form).

The employer shall provide access to these records within fifteen days after the request is made by the employee or designated representative. The requester(s) shall either: (1) receive a copy from the employer; (2) be allowed to use free photocopying facilities to copy the record(s); or (3) be loaned the record so it can be copied.

Length of Time Employer Must Keep Records

Employee Medical Records -
duration of employment plus thirty years.

Employee Exposure Records -
at least thirty years.

Analyses Using Exposure or Medical Records -
at least thirty years.

When an employer goes out of business, the employer shall transfer all records to the successor employer. When there is no successor employer the records should be transferred to the Director of NIOSH if so required by a specific occupational safety and health standard, or the employer shall notify NIOSH of the impending disposal.

Ways Right to Know Can Assist Workers

There are a number of ways these two right to know standards can be used by workers to protect themselves.

Hazard Communication Standard

Using this standard, workers can obtain MSDSs for given substances which tell them: (1) what substances should not be mixed together to prevent explosions or the creation of toxic fumes; (2) what kinds of personal protective equipment to wear which, if not provided by the employer, can be requested by the worker, citing the MSDS; (3) what kind of ventilation is needed which, if not available, should be requested from the employer; and (4) emergency clean-up procedures if there is an accidental spill or leak.

MSDSs are not always complete, and are even sometimes inaccurate. If you have doubts about the adequacy of the MSDSs you receive, contact the agencies listed in Appendix 1 for further assistance.

The Access Standard

By using the Access to Medical and Environmental Records Standard workers can document their claims when trying to receive compensation for work-related diseases. These records can also be useful to workers in providing supportive evidence when they request personal protective equipment and administrative and/or engineering controls in order to reduce exposures. For example, if a worker can obtain air monitoring records which indicate that the air level of a toxic dust is higher than the "permissible exposure limit,"¹² or exceeds the "action level," he/she has evidence to take to the employer when asking for a new/better ventilation system.¹³

III. IMPLEMENTATION OF RIGHT TO KNOW

Health and safety policy analyst Nicholas Ashford stated that "the mere existence of information transfer laws will mean little unless those laws are employed aggressively."¹⁴

In order to find out to what extent the Right to Know Standard (GISO #5194) was being implemented, the author conducted a survey in the spring of 1985. This survey, involving twenty-four companies, was conducted in Los Angeles County, which contains 65 percent of California's manufacturing workforce. Four "high-risk" industries were selected: (1) paints and allied products; (2) commercial printing; (3) plumbing, heating and air conditioning; and (4) chemicals and allied products. The first three industries were chosen because they were characterized as high risk in the first and only comprehensive occupational health survey of hazardous occupations in the county, A Profile of Occupational Health Experience in Los Angeles County.¹⁵ Chemical manufacturers were included because the regulation says it is their responsibility to develop Material Safety Data Sheets to send to employers who purchase chemicals.

From the four industries, representatives from twenty-four companies (which varied by size and unionization status) were interviewed. Only 50 percent of the company health and safety representatives knew about the standard and were attempting to implement it. Of the thirteen employees interviewed only four knew what rights the standard provided them.

Recognizing that twenty-four is a small sample out of 168,000 businesses¹⁶ in the county, the survey findings still suggest that there is a need for a comprehensive public education campaign directed towards workers and employers about the California standards which give workers the "Right to Know." Such a campaign would have to be many-pronged and multi-sponsored to reach everyone who needs to know. For example: (1) for the 94 percent of California employers who have fewer than fifty employees the State Employment Development Department could include an informational brochure regarding employer right to know responsibilities in its quarterly mailing¹⁷ to all employers; (2) public service announcements and public interest programs on radio and television could be provided to inform hard-to-reach employers and employees; (3) the California Medical Association could include information in newsletters and conferences on the role of physicians under worker right to know; and (4) unions could inform members by conducting informational meetings and distributing this booklet and the right to know wallet card.

APPENDIX 1

RESOURCES TO ASSIST YOU IN GETTING INFORMATION USING RIGHT TO KNOW

In order to educate yourself and other workers about right to know you may need to get assistance from one or more of the agencies listed below. If you decide your co-workers need more education about right to know you may want to rent or purchase educational materials on right to know for use in training sessions. Once you have obtained information such as an MSDS, environmental monitoring, or medical records you may need to get assistance from one of the agencies, or get additional information from the reference books available at the UCLA OSH Program (and some libraries).

Agencies Which Provide Information and/or training:

1. San Francisco Poison Control Center
(800) 223-3360

Los Angeles County Medical Association
Regional Poison Information Center
(213) 484-5151

--in the event of an emergency and the employer,
manufacturer, or MSDS cannot provide you with
the information you need.
2. The Hazard Evaluation System and Information
Service (HESIS)
State Department of Health Services
2151 Berkeley Way
Berkeley, CA 94704
(415) 540-3014 (you can call collect)

--for the latest research findings on particu-
lar hazardous substances and industries.
3. Cal-OSHA Consultation Service
(800) 652-1476

--for more information on what the right to
know standards provide, and on hazardous sub-
stances and appropriate control measures.
4. In Southern California:
The OSH Program
UCLA Institute of Industrial Relations
Center for Labor Research and Education
1001 Gayley Avenue
Los Angeles, CA 90024
(213) 825-7012

--for right to know educational programs, and materials primarily for workers about the right to know standards.

5. In Northern California:
Labor Occupational Health Program (LOHP)
UCB Labor Center
2521 Channing Way
Berkeley, CA 94720
(415) 642-5507

--for right to know educational programs, and materials primarily for workers about the right to know standards.

Educational Materials on "Right To Know"

There are many written and audio-visual "right to know" materials available to use when conducting employee education. Listed below are some of the kinds of materials which can be purchased.

Film

Right to Know: Chemical Concerns at Work, a thirty minute color film video. One week rental \$175, purchase \$725. Available from the Bureau of National Affairs, Inc., 1231 25th Street, NW, Washington, D.C. 20037. Toll-free number: (800) 372-1033.

Slide Show

The Facts About the Hazard Communications Standard, a fifteen minute slide show and booklet, \$175 for National Safety Council Members and \$220 for non-members. Available from the National Safety Council, 444 N. Michigan Avenue, Chicago, IL 60611, (312) 527-4800.

Booklets

Working Safely With Hazardous Substances: A Handbook For Employees, 1985. Available from the Office of Environmental Health and Safety, Cowell Hall, University of California, Berkeley, CA 94720, (415) 642-3073.

An Employee's Guidebook To Hazardous Substance Information, 1985, by Joel M. Cohen and Daniel Hernandez. Available from the authors, 111 Winding Way, San Carlos, CA 94070.

Modules

Chemsafe, an audio-visual program consisting of nine modules, including one on Understanding A Material Safety Data Sheet. Preview: \$40, purchase: \$2,448; any of the nine modules can be purchased separately. Available from BNA Communications Inc., 9439 Key West Avenue, Rockville, MD 20850-9989, (301) 948-0540.

Reference Books

The following reference books are all available for use at the Occupational Safety and Health (OSH) Program Library: UCLA Institute of Industrial Relations, Center for Labor Research and Education, 1001 Gayley Avenue, Los Angeles, CA 90024, (213) 825-7012.

- o Work is Dangerous to Your Health, Jeanne M. Stellman & Susan M. Daum, Vintage Books, 1973.
- o Condensed Chemical Dictionary, Gessner G. Hawley, Editor, Van Nostrand Reinhold Co., 1977.
- o Patty's Industrial Hygiene and Toxicology, Vol. 1, George G. Clayton & Florence E. Clayton, Editors, John Wiley & Sons, Inc., 1978; Vol. 2A, George D. Clayton & Florence E. Clayton, Editors, 1981; Vol. 3, Lester V. Cralley, & Lewis J. Cralley, Editors 1979.
- o Recognition of Health Hazards in Industry, William A. Burgess, John Wiley & Sons, 1981.
- o Chemical Hazards of the Workplace, Nick H. Proctor & James P. Hughes, J.P. Lippincott Co., 1978.
- o Threshold Limit Values and Biological Exposure Indices for 1986-87, American Conference of Governmental Industrial Hygienists.
- o Clinical Toxicology of Commercial Products, Fifth Edition, Robert E. Gosselin, Roger P. Smith, and Harold C. Hodge, Williams & Wilkins, 1984.
- o Casarett and Doull's Toxicology: The Basic Science of Poisons, John Doull, Curtis D. Kaassen, and Mary O. Andur, Editors, MacMillan Publishing Co., Inc., 1980.

APPENDIX 2

SAMPLE LETTERS FOR REQUESTING INFORMATION

This appendix provides sample letters that can be used by workers, their physicians, or collective bargaining agents when requesting information from their employer under the right to know laws. It is good for the requester to use a letter like this and keep a copy in his/her files as proof (1) that the material has been requested and (2) as a record of the date that the material was requested. If the employer does not respond within the time designated in the General Industry Safety Orders, this documentation can serve as useful evidence in a grievance or a Cal-OSHA complaint.

The following sample letters are included:

1. Letter requesting a Material Safety Data Sheet (MSDS).
2. Letter requesting environmental monitoring data (such as noise level surveys, surveys of the air for asbestos, etc.).
3. Authorization letter for the release of employee medical record information (your medical records which are held by the company doctor) to a worker (patient) or designated representative.

Sample Letter Requesting Material Safety Data Sheet

Date

Employer Name
Address of Employer
City, State, Zip Code

Dear _____:

With this letter, I am formally requesting a copy of the Material Safety Data Sheet (MSDS) and any other records, tests or analyses you have on file regarding (trade name, chemical name, or common name of substance in question). I use this substance during the routine course of my work at (plant name, address, city and state, zip code).

I am making this request pursuant to Sections 3204 & 5194 of Title 8 of the California Administrative Code. Your prompt attention to this matter is greatly appreciated.

Sincerely,

Your Name
Title (if any)
Your address
City, State, Zip Code

**Sample Letter Requesting
Environmental Monitoring Data**

Date

Employer Name
Address of Employer
City, State, Zip Code

Dear _____:

With this letter I am formally requesting a copy of all the environmental monitoring reports you have on file regarding (trade name, chemical name, or common name of substance in question). I use this substance during the routine course of my work at (plant name, address, city and state, zip code).

I am making this request pursuant to Section 3204, Title 8 of the California Administrative Code. Your prompt attention to this matter is greatly appreciated.

Sincerely,

Your Name
Title (if any)
Your Address
City, State, Zip Code

**Authorization Letter for the Release of
Employee Medical Record Information
to a Worker (Patient) or a Designated Representative**

To _____
Name of company physician,
company appointed
physician, or company
referred physician)

(Street Address)

(City) (State) (Zip)

From _____
(Worker's or patient's name)

(Home Address - Street)

(City) (State) (Zip)

(Union, Local Number)

Dear Sir:

I hereby authorize and direct you to release to (me or designated representative or union consulting physician's name) the following medical information from my personal medical records:

Complete and unabridged medical records including:

- A. Hospital records, x-rays, x-ray readings and reports, laboratory records and reports, all tests of any type, character and reports thereof, and any and all of my records pertaining to hospitalization, history, condition, treatment, diagnosis, prognosis, and etiology.
- B. Medical records, including patients' record cards, x-rays, x-ray readings and reports, laboratory records and reports, all tests of any type and character and reports thereof, and any and all of my records pertaining to medical care, history, condition, treatment, diagnosis, prognosis, and etiology.

I give my permission for this medical information to be used for the purpose of medical evaluation.

Further Instruction: _____

I do not give permission for any other use or re-disclosure of this information. I would appreciate your immediate cooperation with this request.

By reason of the fact that such information that you have acquired as my physician is confidential to me, you are also requested not to furnish such information in any form to anyone, without written authorization from me.

Full name of worker issuing request
(Printed)

Date: _____
(Day/Month/Year)

Signature of worker issuing request

(This authorization operates for one year from this date.)

cc: Employer,
Health & Safety Department of Union

Employers:

Under the Cal-OSHA Access to Employee Exposure and Medical Records Standard (GISO 3204), employers have a legal responsibility to provide these records. The Standard mandates that the employer shall assure that access be provided in fifteen working days or less after the request for access is made. The standard also provides that a copy of the record will be provided without cost to the employee representative. A Cal-OSHA complaint will be filed if the company fails to comply with the Standard.

APPENDIX 3

SAMPLE MATERIAL SAFETY DATA SHEET (MSDS)

The following is the form which can be used when the chemical manufacturer creates an MSDS for worker use. All the sections (I-IV) must be included and filled out on the MSDS you receive. Appendix 4 defines many of the terms commonly used on the MSDS.

MATERIAL SAFETY DATA SHEET

SECTION I

| | | |
|---|---------|-------------------------|
| MANUFACTURER'S NAME | | EMERGENCY TELEPHONE NO. |
| ADDRESS (Number, Street, City, State, and ZIP Code) | | |
| CHEMICAL NAME AND SYNONYMS | | TRADE NAME AND SYNONYMS |
| CHEMICAL FAMILY | FORMULA | |

SECTION II - HAZARDOUS INGREDIENTS

| PAINTS, PRESERVATIVES, & SOLVENTS | % | TLV (Units) | ALLOYS AND METALLIC COATINGS | % | TLV (Units) |
|---|---|----------------|---|---|----------------|
| PIGMENTS | | | BASE METAL | | |
| CATALYST | | | ALLOYS | | |
| VEHICLE | | | METALLIC COATINGS | | |
| SOLVENTS | | | FILLER METAL PLUS COATING OR CORE FLUX | | |
| ADDITIVES | | | OTHERS | | |
| OTHERS | | | | | |
| HAZARDOUS MIXTURES OF OTHER LIQUIDS, SOLIDS, OR GASES | | | | % | TLV (Units) |
| | | | | | |
| | | | | | |
| | | | | | |

SECTION III - PHYSICAL DATA

| | | | |
|-------------------------|--|---------------------------------------|--|
| BOILING POINT (°F.) | | SPECIFIC GRAVITY (H ₂ O=1) | |
| VAPOR PRESSURE (mm Hg.) | | PERCENT VOLATILE BY VOLUME (%) | |
| VAPOR DENSITY (AIR=1) | | EVAPORATION RATE (_____ °1) | |
| SOLUBILITY IN WATER | | | |
| APPEARANCE AND ODOOR | | | |

SECTION IV - FIRE AND EXPLOSION HAZARD DATA

| | | | |
|------------------------------------|------------------|-----|-----|
| FLASH POINT (Method used) | FLAMMABLE LIMITS | Lel | Uel |
| EXTINGUISHING MEDIA | | | |
| SPECIAL FIRE FIGHTING PROCEDURES | | | |
| UNUSUAL FIRE AND EXPLOSION HAZARDS | | | |
| | | | |

| SECTION V - HEALTH HAZARD DATA | |
|------------------------------------|--|
| THRESHOLD LIMIT VALUE | |
| EFFECTS OF OVEREXPOSURE | |
| EMERGENCY AND FIRST AID PROCEDURES | |
| | |
| | |

| SECTION VI - REACTIVITY DATA | | | |
|---|----------------|--|---------------------|
| STABILITY | UNSTABLE | | CONDITIONS TO AVOID |
| | STABLE | | |
| INCOMPATIBILITY <i>(Materials to avoid)</i> | | | |
| HAZARDOUS DECOMPOSITION PRODUCTS | | | |
| HAZARDOUS POLYMERIZATION | MAY OCCUR | | CONDITIONS TO AVOID |
| | WILL NOT OCCUR | | |
| | | | |

| SECTION VII - SPILL OR LEAK PROCEDURES | |
|---|--|
| STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED | |
| | |
| | |
| WASTE DISPOSAL METHOD | |
| | |
| | |

| SECTION VIII - SPECIAL PROTECTION INFORMATION | | |
|---|-----------------------------|----------------|
| RESPIRATORY PROTECTION <i>(Specify type)</i> | | |
| VENTILATION | LOCAL EXHAUST | SPECIAL |
| | MECHANICAL <i>(General)</i> | OTHER |
| PROTECTIVE GLOVES | | EYE PROTECTION |
| OTHER PROTECTIVE EQUIPMENT | | |

| SECTION IX - SPECIAL PRECAUTIONS | |
|---|--|
| PRECAUTIONS TO BE TAKEN IN HANDLING AND STORING | |
| | |
| OTHER PRECAUTIONS | |
| | |

APPENDIX 4

DEFINITIONS OF TERMS USED ON MATERIAL SAFETY DATA SHEETS

ACGIH - The American Conference of Governmental Industrial Hygienists is a professional organization of industrial hygienists who work for government or educational institutions and is devoted to the development of administrative and technical aspects of worker health protection. The ACGIH recommends TLVs for chemical and physical agents in the workplace.

Action Level - The level of exposure to a workplace substance or agent at which point the company has to take action to reduce exposures, institute medical monitoring, or educate workers on the hazards. Some agents which have PELs also have Action Levels.

Acute Effect - An adverse effect on a human or animal body, with severe symptoms developing rapidly and coming quickly to a crisis.

Asphyxiant - A vapor or gas which can cause unconsciousness or death by suffocation (lack of oxygen).

Auto Ignition Temperature - The lowest temperature at which a flammable substance will ignite from its own heat source or from contact with another heat source without a spark or flame.

Base - A compound that reacts with an acid to form a salt. It is also referred to as an alkali. In high concentrations, bases can be very corrosive.

Carcinogen - A substance or agent capable of causing or producing cancer in mammals.

Catalyst - A substance which speeds up or initiates a chemical reaction.

Chemical Family - Chemicals that are similar to one another in structure (for example, aromatic hydrocarbons).

Chemical Name - The scientific name of a substance that is descriptive of its elements (for example, water is H₂O, or 2 parts hydrogen and 1 part oxygen.)

Chronic Effect - An adverse effect on a human or animal body, with symptoms which develop slowly over a long period of time or which recur frequently.

Combustible - A term used to classify certain items that will burn.

Copolymer - The product of the process through which most resins are produced through a chemical reaction that makes the molecules larger.

Corrosives - Substances that eat into and destroy body tissues or metals by chemical attack.

Dermal - Used on or applied to the skin.

Flash Point - The temperature at which a liquid will give off enough flammable vapor to ignite. There are several flash point test methods, and flash points may vary for the same material depending on the method used, so the test method is indicated when the flash point is given (150 PMCC, 200 TCC, etc.).

Flammable - A liquid with a flash point below 100° F (37.8° C); solids that will ignite readily or are liable to cause fires.

Incompatible - The quality of not being able to be mixed with another substance; will either explode or ignite, e.g., flammables and oxidizers.

Ingestion - The taking in of a substance through the mouth.

Inhalation - The breathing in of a substance in the form of a gas, vapor, fume, mist or dust.

Inert - A chemical that is not reactive chemically.

LC - Lethal Concentration - a concentration of a substance being tested that will kill a test animal.

LC₅₀ - Lethal Concentration₅₀ - the concentration of a material in air which on the basis of laboratory tests is expected to kill 50 percent of a group of test animals when administered as a single exposure (usually one or four hours). The LC is expressed as parts of material per million parts of air, by volume (ppm) for gases and vapors, or as micrograms of material per liter of air (ug/l) or milligrams of material per cubic meter of air (mg/m) for dusts and mists, as well as for gases and vapors.

LD - Lethal Dose - a concentration of a substance being tested that will kill a test animal.

LD₅₀ - Lethal Dose₅₀ - a single dose of a material which on the basis of laboratory tests is expected to kill 50 percent of a group of test animals. The LD₅₀ dose is usually expressed as milligrams or grams of material per kilogram of animal body weight (mg/kg or g/kg). The materials may be administered by mouth (oral) or applied to the skin (dermal or cutaneous).

LEL - Lower Explosive Limit, or lower flammable limit of a vapor or gas - the lowest concentration that will produce a flash of fire when an ignition source is present.

NIOSH - National Institute for Occupational Safety and Health. NIOSH, within the federal Department of Health and Human Services, conducts occupational health research and recommends occupational health standards to OSHA.

OSHA - The Occupational Safety and Health Administration, within the federal Department of Labor, sets occupational safety and health standards and enforces them.

Oxidizer - A substance that adds oxygen to a reaction.

PEL - Permissible Exposure Limit - the regulated (OSHA, Cal-OSHA) maximum allowable concentration of a substance which a worker can be exposed to averaged over an eight-hour workday.

PPB - Parts Per Billion - a unit for measuring the concentration of a gas or vapor in air.

PPE - Personal Protective Equipment (e.g., respirators, gloves, hearing protection).

PPM - Part Per Million (part of a substance per million parts of air).

Percent (%) Volatile - Percent volatile by volume - the percentage of a liquid or solid (by volume) that will evaporate at an ambient temperature of 70° F (unless some other temperature is stated).

Peroxides - Compounds containing a high proportion of oxygen, very corrosive and reactive.

Polymer - A material with a high molecular weight formed by the joining together of many simple molecules (resin is an example).

Polymerization - A chemical reaction which produces large molecules from one or more smaller molecules. A hazardous polymerization is a reaction which occurs very fast and in which there is a release of large amounts of energy.

PSI - Pounds Per Square Inch.

Reactivity - A description of the tendency of a substance to undergo a chemical reaction with the release of energy.

Respiratory System - The breathing system, which includes the lungs and the air passages (trachea or "windpipe", larynx, mouth and nose) to the air outside the body, plus the associated nervous and circulatory supply.

Sensitizer - A substance which on first exposure causes little or no reaction in man or test animals, but which on repeated exposure may cause a marked response not necessarily limited to the contact site.

Solvent - A substance, most commonly water, but often an organic compound which dissolves another substance; often used for degreasing.

Stability - An expression of the ability of a material to remain unchanged. For MSDS purposes, a material is stable if it remains in the same form under expected and reasonable conditions of storage or use.

Synonym - Another name or names by which a material is known.

TLV - Threshold Limit Value. A term used to express the airborne concentration of a material to which nearly all persons can be exposed day after day, without adverse effects, according to the American Conference of Governmental Industrial Hygienists. ACGIH expresses TLVs in three ways:

TLV-TWA: the allowable Time Weighted Average concentration for a normal eight-hour workday or forty-hour work week.

TLV-STEL: the Short-Term Exposure Limit, or maximum concentration for a continuous fifteen minute exposure period (maximum of four such periods per day, with at least sixty minutes between exposure periods, and provided that the daily TLV-TWA is not exceeded).

TLV-C: the Ceiling Exposure Limit - the concentration that should not be exceeded even momentarily.

Toxicity - The ability of a substance to cause an adverse biological effect(s) once it reaches a susceptible site on or within the body.

Trade Name - The name given to a product by the manufacturer to distinguish that product from another.

TWA - Time Weighted Average exposure - the airborne concentration of a material to which a person is exposed, averaged over the total exposure time - generally the total workday (eight hours).

UEL, or UFL - Upper Explosive Limit or Upper Flammable Limit of a vapor or gas. Above this concentration there is not enough oxygen to support an explosion or combustion.

Vapor Pressure - The pressure exerted by a saturated vapor above its own liquid in a closed container. When quality control tests are performed on products the test temperature is usually 100° F and the vapor pressure is expressed as pounds per square inch (psig or psia) - but vapor pressures reported on MSDSs are in millimeters of mercury (mmHg) at 68° F (20° C), unless stated otherwise. Three facts are important to remember:

1. Vapor pressure of a substance at 100° F will always be higher than the vapor pressure of the substance at 68° F (20° C).
2. Vapor pressures reported on MSDSs in mmHg are usually very low pressures; 760 mmHg is equivalent to 14.7 pounds per square inch.
3. The lower the boiling point of a substance, the higher its vapor pressure.

Substances with high vapor pressure may create an inhalation hazard and may be more explosive or flammable.

Volatile - A liquid that evaporates easily.

APPENDIX 5

SAMPLE ARTICLE

The following article has basic information about worker right to know which you can use as is or change for your union newspaper. You may want to liven it up by using examples from your union's experience, e.g., attempts to get this information in the past, times when this information would have been useful in solving a grievance, and other examples.

Article for Union Newspapers or Newsletters

THE "RIGHT TO KNOW" - WHAT IT MEANS IN CALIFORNIA

Did you know that:

You have a "right to know" about hazardous substances with which you work?

You have a "right to know" about your exposures to hazardous substances on the job and the results of your medical tests?

You are protected against discrimination or punishment for exercising these rights?

Under the California "Right to Know" standards, you as an employee are afforded these rights and protections. Although these standards have been in effect for over two years, many employers and employees throughout California still do not know about the standards, their requirements for employers or their protections for employees. The purpose of this article is to clear up some of the confusion about "Right to Know" in California and to make readers aware of its existence and benefits.

HAZARD COMMUNICATION STANDARD

Perhaps one of the most important protections for workers is the Hazard Communication Standard (General Industry Safety Order 5194). Under this standard, manufacturers and importers are required to assess the hazards of the substances they produce and pass this information on to employers who purchase the substances in the forms of warning labels and Material Safety Data Sheets (MSDS). Each MSDS contains detailed information on the product's manufacturer and trade identity, hazardous ingredients, physical characteristics, fire and explosion data, and reactivity information. In addition, the MSDS outlines information regarding

the health hazards associated with exposure to the product; precautions for its safe handling and use; applicable control measures, such as ventilation or protective clothing requirements, PELs and TLVs; and emergency and first aid procedures.

The standard (GISO 5194) mandates that employers be responsible for:

- o Informing employees of their right to receive copies of MSDSs.
- o Advising employees that their physician or collective bargaining agent also can receive information contained in the MSDS.
- o Assuring employees that they cannot be discharged or punished upon exercising their rights under the standard.
- o Training or providing written information to employees regarding what MSDSs are, what the information contained in them means, and where they are kept at the worksite.

ACCESS TO EXPOSURE AND MEDICAL RECORDS STANDARD

Another Cal/OSHA standard which protects workers' "right to know" is The Access to Employee Exposure and Medical Records Standard (GISO 3204). This standard gives employees and their designated representatives the right to obtain from their employer copies of their hazardous substance exposure and medical records. An employee's exposure record contains information about his/her exposure to toxic substances obtained from environmental or biological monitoring. An employee's medical record includes any information concerning the individual's health status obtained from medical questionnaires, examinations or other medical information.

In summary, the "right to know" in California means that workers have the right to receive information from their employers regarding the hazardous substances to which they may be exposed, and a right of access to their medical and exposure records maintained by their employers. The information workers gather from these sources can be used to protect themselves through the use of proper personal protective equipment and administrative and engineering controls. Evidence of past exposures can be useful in obtaining compensation for occupationally related diseases.

If you would like more information please call the OSH Program at UCLA at (213) 825-7012.

NOTES

1. Grawley, Richard. "Carcinogens Should Not Be Protected Under a 'Trade Secrets' Umbrella," Occupational Health and Safety, May/June 1978, p. 24.
2. Shinoff, Mary, "The Right To Know: A Legislative Model," from Proceedings of the Symposium for Labor Educators on Occupational Health and Safety, OSHA, October 15-18, 1979.
3. A Material Safety Data Sheet (MSDS) is a document which supplies information about the names of a product, the health hazards associated with exposure to the product, and ways to control exposure to the product.
4. The Federal Hazard Communication Standard went into effect for chemical manufacturers in November 1985 and for employers in May 1986.
5. This standard was originally developed at the federal level in 1980.
6. That is, field workers with potential pesticide exposures and workers who mix, load, or apply pesticides are exempt. These workers are covered under the Federal Insecticide, Fungicide and Rodenticide Act which requires labeling of pesticides.
7. Available from: The Cal/OSHA Communications Unit, 525 Golden Gate Avenue, 3rd Floor, San Francisco, CA 94102.
8. Available from: The American Conference of Governmental Industrial Hygienists, 6500 Glenway Avenue, Building D-5, Cincinnati, Ohio 45211.
9. See Appendix 3 for a complete MSDS.
10. GISO #3203, the Accident and Illness Prevention Standard, also requires employers to establish and maintain an employee training program.
11. Article 110, Number 5194, page 434; for information on trade secret provisions, please see Title 8 of the California Administrative Code.
- 12, 13. The Permissible Exposure Limit (PEL) is the regulatory standard for a given toxin. The Action Level is the level of exposure at which certain actions such as medical monitoring must occur. It is usually one-half the PEL.

14. Ashford, Nicholas A., and Charles A. Coldhart, "The 'Right to Know': Toxic Information Transfer in the Workplace," in Annual Review of Public Health, 6: 383-401, 1985.
15. Froines, John R., C.A. Dellenbaugh, S.S. Seabrook, and D.H. Wegman, A Profile of Occupational Health Experience in Los Angeles County, prepared for the Department of Health Services, State of California, contract no. 82-79998, September 1984.
16. "Counties - Employees, Payroll and Establishments by Industry: 1982" in County Business Patterns - California, U.S. Department of Commerce, Bureau of the Census.
17. California Employer, Employment Development Department, quarterly newsletters to all California employers.

WALLET "RIGHT TO KNOW" CARD

On the following page you will find "right to know" cards for you and your co-workers. You can carry these in your wallets as an easy reference on the job when you want to request information about some substance with which you work.

When requesting information, it may be useful if you cite the specific standard (with its number) which gives you the right to that information. Once you get the information, the agencies on the other side of the card can be helpful in interpreting it or giving you additional information.

Additional cards can be obtained from the OSH Program, UCLA Institute of Industrial Relations, Center for Labor Education and Research, 1001 Gayley Avenue, 2nd floor, Los Angeles, CA 90024. Phone: (213) 825-7012.

