

DEPARTMENT OF HEALTH

1400 P STREET
SAC, SACRAMENTO, CALIFORNIA 95814

15) 843-7900 Ext. 306

May 1977

AN OPEN LETTER TO CALIFORNIA EMPLOYERS

P/ls 22
11-1-84 mjs
Merrill

SUBJECT: Occupational Carcinogens Control Act

This letter is intended to make you aware of major new legal responsibilities applying to California employers who use certain cancer-causing substances (carcinogens). These new responsibilities apply equally to employers in the private sector, such as commercial firms and companies, and to public employers, such as State agencies, cities, counties and public districts.

The purpose is the prevention of job-induced cancer.

The State's new Occupational Carcinogens Control Act, which took effect on January 1, 1977, requires State government to exercise strong leadership to prevent employees, employers and others from exposure to cancer-causing substances in the work place. A detailed list of the currently regulated carcinogens is provided on page 2 of this letter.

This new Act requires the State Department of Health to inspect work places where cancer-causing substances are used. Primary responsibility for enforcing these safety and health standards, as with all other job safety and health standards, rests with the State Division of Industrial Safety in the State Department of Industrial Relations.

Starting July 1, 1977, employers will be subject to increased civil penalties for violations of prescribed standards or orders relating to the use of the regulated cancer-causing substances. Penalties will include a \$500 fine for failing to report to the State Division of Industrial Safety use of these substances or incidents of over-exposure, a \$1,000 fine for a violation of standards or orders involving use of a carcinogen, and a \$5,000 fine for repeated violations.

The Department of Health is specifically directed by the Act to make every effort to learn the identity of existing users of carcinogenic substances, and to notify, inform and educate users about the requirements of the Act. We intend this letter to be one means of notifying, informing and educating.

Uses contemplated by the Act include the manufacture of a carcinogen, industrial uses of a carcinogen or formation of a carcinogen as a result of a chemical reaction, the sale or transfer of a carcinogen, the storage or disposal of such substances, the use of a carcinogen for research and the transportation of a carcinogen.

Carcinogen, under the Act, means and includes the following recognized cancer-causing substances:

- (a) Any of the following substances and any compound, mixture or product containing such substances:

<u>Chemical Name</u>	<u>Common or Trade Name</u>
(1) 2-Acetylaminofluorene	2-AAF
(2) 4-Aminodiphenyl	4-ADP
(3) Benzidine (and its salts)	
(4) bis-Chloromethyl ether	BCME
(5) 3,3-Dichlorobenzidine (and its salts)	DCB
(6) 4-Dimethylaminoazobenzene	Methyl Yellow
(7) beta-Naphthylamine	2-NA
(8) 4-Nitrobiphenyl	4-NBP
(9) N-Nitrosodimethylamine	Dimethylamine
(10) beta-Propiolactone	Betaprone (TM)
(11) Methyl chloromethyl ether	CMME
(12) alpha-Naphthylamine	1-NA
(13) 4,4'-Methylene bis (2-Chloroaniline)	MOCA (TM)
(14) Ethyleneimine	EI

- (b) Asbestos, including chrysotile, amosite, crocidolite, tremolite, anthophyllite and actinolite.
- (c) Vinyl chloride.
- (d) Any other substance for which standards are adopted and in effect due to cancer-causing properties and any compound, mixture or product containing such a substance, except as specifically exempted from such standards.

Specific standards for the safe use of the recognized, cancer-causing substances, listed above in subparagraphs (a), (b) and (c), have been set by the State Occupational Safety and Health Standards Board and appear in Title 8, California Administrative Code, as Sections 5208, 5209 and 5210. These standards remain in effect until amended or repealed by the Standards Board.

Additionally, the new Occupational Carcinogens Control Act requires written reports by employers to the State Division of Industrial Safety on the use of regulated carcinogens and also written reports of any incident which results in the release of a carcinogen into any area where employees may be potentially exposed. At present such reports are required for the 14 substances listed under (a), and for vinyl chloride listed under (c), above. Reporting will be required for asbestos on approximately July 1, after the State Occupational Safety and

Health Standards Board has completed hearings scheduled in early May. In the future, reporting requirements for additional cancer-causing substances will be adopted by the Board as provided in (d), above.

The reporting process is easy. All an employer must do is send a postcard or letter to the Chief of the Division of Industrial Safety, 455 Golden Gate Avenue, San Francisco, California, 94102, with the following information:

The name and address of the location where the carcinogen is used.

The number of employees working with the carcinogen including maintenance personnel.

The manner in which the carcinogen is present; e.g., whether it is manufactured, processed, used, repackaged, released, stored or otherwise handled.

Another feature of the new Act is that after July 1, 1977, inspection fees must be paid by employers (unless this provision of the law is changed) to the Industrial Safety Division according to a fee schedule adopted by the Division Chief. The fees range from \$25 to a maximum of \$500, depending on the time required and the number of employees affected. Employers will not be charged for more than one inspection for the same use in any one calendar year, though more than one inspection may be performed. These inspections must follow Cal/OSHA legal procedure, with no advance notice to employers permitted.

The Act requires the State Department of Health to respond to complaints from employees regarding potentially unlawful use of the regulated cancer-causing substance in their work places. The Department will give priority to investigation of such complaints.

To help employers achieve compliance with the provisions of the Occupational Carcinogens Control Act, the State Department of Health will provide penalty-free, no-charge consultative services and educational programs. These services will be provided on request by any employer or employee.

Copies of regulations on the regulated carcinogens and information on how to comply with the Occupational Carcinogens Control Act may be obtained by contacting one of the offices listed below:

In Northern California

State Department of Health
Occupational Cancer Control Unit
2151 Berkeley Way
Berkeley, CA 94704

(415) 843-7900, Ext. 306

In Southern California

State Department of Health
Occupational Cancer Control Unit
1449 West Temple Street
Los Angeles, CA 90026

(213) 620-4290

May 1977

Employers who currently have carcinogenic substances on their premises but who choose not to keep them should not hastily dispose of such substances. Employers are required by the State Health and Safety Code to contact the State Department of Health's Hazardous Waste Unit for permission to dispose of these substances. Contact the Unit nearest you:

Headquarters Office

744 P Street
Sacramento, CA 95814

(916) 322-2337

Berkeley Office

2151 Berkeley Way
Berkeley, CA 94704

(415) 843-7900, Ext. 434

Los Angeles Office

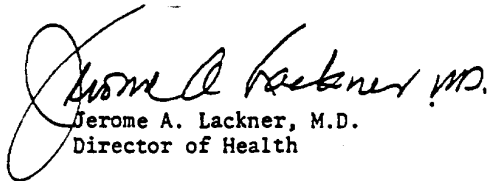
Post Office Box 30327
Terminal Annex
Los Angeles, CA 90030

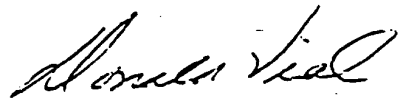
(213) 620-2380

Jeffrey L. Hahn-391

The State Department of Health and the State Department of Industrial Relations provide this information to employers now to alert them to their major legal responsibilities under the Occupational Carcinogens Control Act and to give maximum lead time for planning to achieve health and safety standards mandated by the law. Both Departments will work cooperatively with employers and employees to simplify compliance with the Act in the interests of worker safety.

Sincerely,


Jerome A. Lackner, M.D.
Director of Health


Donald Vial, Director
Department of Industrial Relations