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Subchapter 7. General Industry Safety Orders
Group 16. Control of Hazardous Substances
Article 109. Hazardous Substances and Processes

§5191. Occupational Exposure to Hazardous Chemicals in Laboratories.

(a) Scope and application.

(1) This section shall apply to all employers engaged in the laboratory use of hazardous chemicals as defined below.

(2) Where this section applies, it shall supersede, for laboratories, the requirements of Title 8 of the California Code of Regulations Section 5190 and Article 110, Regulated Carcinogens of the General Industry Safety Orders, except as follows:

(A) The requirement to limit employee exposure to the specific exposure limit.

(B) When that particular regulation states otherwise, as in the case of Section 5209(c)(6).

(C) Prohibition or prevention of eye and skin contact where specified by any health regulation shall be observed.

(D) Where the action level (or in the absence of an action level, the exposure limit) is exceeded for a regulated substance with exposure monitoring and medical surveillance requirements.

(E) The "report of use" requirements of Article 110, (Section 5200 et. seq.) Regulated Carcinogens regulations.

(F) Section 5217 shall apply to anatomy, histology and pathology laboratories.

(3) This regulation shall not apply to:

(A) Uses of hazardous chemicals which do not meet the definition of laboratory use, and in such cases, the employer shall comply with the relevant regulations in Title 8, California Code of Regulations, even if such use occurs in a laboratory.

(B) Laboratory uses of hazardous chemicals which provide no potential for employee exposure. Examples of such conditions might include:

1. Procedures using chemically-impregnated test media such as Dip-and-Read tests where a reagent strip is dipped into the specimen to be tested and the results are interpreted by comparing the color reaction to a color chart supplied by the manufacturer of the test strip; and
2. Commercially prepared kits such as those used in performing pregnancy tests in which all of the reagents needed to conduct the test are contained in the kit.

(b) Definitions

Action level. A concentration designated in Title 8, California Code of Regulations for a specific substance, calculated as an eight (8)-hour time weighted average, which initiates certain required activities such as exposure monitoring and medical surveillance.

Carcinogen (see "select carcinogen").

Chemical Hygiene Officer. An employee who is designated by the employer, and who is qualified by training or experience, to provide technical guidance in the development and implementation of the provisions of the Chemical Hygiene Plan. This definition is not intended to place limitations on the position description or job classification that the designated individual shall hold within the employer's organizational structure.

Chemical Hygiene Plan. A written program developed and implemented by the employer which sets forth procedures, equipment, personal protective equipment and work practices that

(1) are capable of protecting employees from the health hazards presented by hazardous chemicals used in that particular work place and

(2) meets the requirements of subsection 5191(e).

Chief. The Chief of the Division of Occupational Safety and Health.

Combustible liquid. Any liquid having a flashpoint at or above 100° F (37.8° C), but below 200° F (93.3° C) except any mixture having components with flashpoints of 200° F (93.3° C), or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

Compressed gas.

(1) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70° F (21.1° C); or

(2) A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130° F (54.4° C) regardless of the pressure at 70° F (21.1° C); or

(3) A liquid having a vapor pressure exceeding 40 psi at 100° F (37.8° C) as determined by ASTM D-323-72.

Designated area. An area which may be used for work with "select carcinogens," reproductive toxins or substances which have a high degree of acute toxicity. A designated area may be the entire laboratory, an area of a laboratory or a device such as a laboratory hood.

Emergency. Any occurrence such as, but not limited to, equipment failure, rupture of containers or failure of control equipment which results in an uncontrolled release of a hazardous chemical into the workplace.

Employee. An individual employed in a laboratory workplace who may be exposed to hazardous chemicals in the course of his or her assignments.

Explosive. A chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

Flammable. A chemical that falls into one of the following categories:

(1) "Aerosol, flammable" means an aerosol that, when tested by the method described in 16 CFR 1500.45, yields a flame projection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;

(2) "Gas, flammable" means:

(A) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of 13 percent by volume or less; or

(B) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air greater than 12 percent by volume, regardless of the lower explosive limit.

(3) "Liquid, flammable" means any liquid having a flashpoint below 100° F (37.8° C), except any mixture having components with flashpoints of 100° F (37.8° C) or higher, the total of which make up 99 percent or more of the total volume of the mixture.

(4) "Solid, flammable" means a solid, other than a blasting agent or explosive as defined in 29 CFR 1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

Flashpoint. The minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

(1) Tagliabue Closed Tester (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24 - 1979 (ASTM D 56-79) - for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100° F (37.8° C), or that do not contain suspended solids, and do not have a tendency to form a surface film under test; or

(2) Pensky-Martens Closed Tester (see American National Standard Method of Test for Flash Point by Pensky-Martens closed tester), Z11.7 - 1979 (ASTM D 93-79) for liquids with a viscosity equal to or greater than 45 SUS at 100° F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

(3) Setaflash Closed Tester (see American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)). Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

Hazardous chemical. 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 carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic systems, and agents which damage the lungs, skin, eyes, or mucous membranes.

Appendices A and B of the Hazard Communication Standard (Section 5194) provide further guidance in defining the scope of health hazards and determining whether or not a chemical is to be considered hazardous for purposes of this regulation.

Laboratory. A facility where the "laboratory use of hazardous chemicals" occurs. It is a workplace where relatively small quantities of hazardous chemicals are used on a non-production basis.

Laboratory scale. Work with substances in which the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one person. "Laboratory scale" excludes those workplaces whose function is to produce commercial quantities of materials.

Laboratory-type hood. A device located in a laboratory, enclosed on five sides with a movable sash or fixed partial enclosure on the remaining side; constructed and maintained to draw air from the laboratory and to prevent or minimize the escape of air contaminants into the laboratory; and allows chemical manipulations to be conducted in the enclosure without insertion of any portion of the employee's body other than hands and arms.

Walk-in hoods with adjustable sashes meet the above definition provided that the sashes are adjusted during use so that the airflow and the exhaust of air contaminants are not compromised

and employees do not work inside the enclosure during the release of airborne hazardous chemicals.

Laboratory use of hazardous chemicals. Handling or use of such chemicals in which all of the following conditions are met:

- (1) Chemical manipulations are carried out on a "laboratory scale";
- (2) Multiple chemical procedures or chemicals are used;
- (3) The procedures involved are not part of a production process, nor in any way simulate a production process; and
- (4) "Protective laboratory practices and equipment" are available and in common use industry-wide to minimize the potential for employee exposure to hazardous chemicals.

Medical consultation. A consultation which takes place between an employee and a licensed physician for the purpose of determining what medical examinations or procedures, if any, are appropriate in cases where a significant exposure to a hazardous chemical may have taken place.

Organic peroxide. An organic compound that contains the bivalent -o-o- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

Oxidizer. A chemical other than a blasting agent or explosive as defined in Section 5237(a), that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

Physical hazard. A chemical 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.

Protective laboratory practices and equipment. Those laboratory procedures, practices and equipment accepted by laboratory health and safety experts as effective, or that the employer can show to be effective, in minimizing the potential for employee exposure to hazardous chemicals.

Reproductive toxins. Chemicals which affect the reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis).

Select carcinogen. Any substance which meets one of the following criteria:

- (1) It is regulated by Cal/OSHA as a carcinogen; or
- (2) It is listed under the category, "known to be carcinogens," in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (1985 edition); or

(3) It is listed under Group 1 ("carcinogenic to humans") by the International Agency for Research on Cancer Monographs (IARC) (Volumes 1-48 and Supplements 1-8); or

(4) It is listed in either Group 2A or 2B by IARC or under the category, "reasonably anticipated to be carcinogens" by NTP, and causes statistically significant tumor incidence in experimental animals in accordance with any of the following criteria:

(A) After inhalation exposure of 6-7 hours per day, 5 days per week, for a significant portion of a lifetime to dosages of less than 10 mg/m³;

(B) After repeated skin application of less than 300 mg/kg of body weight per week; or

(C) After oral dosages of less than 50 mg/kg of body weight per day.

Unstable (reactive). A chemical which is the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

Water-reactive. A chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

(c) Exposure limits. For laboratory uses of Cal/OSHA regulated substances, the employer shall ensure that laboratory employees' exposures to such substances do not exceed the exposure limits specified in Title 8, California Code of Regulations, Group 16, Section 5139 et seq., of the General Industry Safety Orders.

(d) Employee exposure determination

(1) Initial monitoring. The employer shall measure the employee's exposure to any substance regulated by a standard which requires monitoring if there is reason to believe that exposure levels for that substance exceed the action level (or in the absence of an action level, the exposure limit). The person supervising, directing or evaluating the monitoring shall be competent in industrial hygiene practice.

(2) Periodic monitoring. If the initial monitoring prescribed by subsection 5191(d)(1) discloses employee exposure over the action level (or in the absence of an action level, the exposure limit), the employer shall immediately comply with the exposure monitoring provisions of the relevant regulation.

(3) Termination of monitoring. Monitoring may be terminated in accordance with the relevant regulation.

(4) Employee notification of monitoring results. The employer shall, within 15 working days after the receipt of any monitoring results, notify the employee of these results in writing either individually or by posting results in an appropriate location that is accessible to employees.

(e) Chemical hygiene plan.

(1) Where hazardous chemicals as defined by this regulation are used in the workplace, the employer shall develop and carry out the provisions of a written Chemical Hygiene Plan which is:

(A) Capable of protecting employees from health hazards associated with hazardous chemicals in that laboratory and

(B) Capable of keeping exposures below the limits specified in subsection 5191(c).

(2) The Chemical Hygiene Plan shall be readily available to employees, employee representatives and, upon request, to the Chief.

(3) The Chemical Hygiene Plan shall include each of the following elements and shall indicate specific measures that the employer will take to ensure laboratory employee protection;

(A) Standard operating procedures relevant to safety and health considerations to be followed when laboratory work involves the use of hazardous chemicals:

(B) Criteria that the employer will use to determine and implement control measures to reduce employee exposure to hazardous chemicals including engineering controls, the use of personal protective equipment and hygiene practices; particular attention shall be given to the selection of control measures for chemicals that are known to be extremely hazardous;

(C) A requirement that fume hoods comply with Section 5154.1, that all protective equipment shall function properly and that specific measures shall be taken to ensure proper and adequate performance of such equipment;

(D) Provisions for employee information and training as prescribed in subsection 5191(f);

(E) The circumstances under which a particular laboratory operation, procedure or activity shall require prior approval from the employer or the employer's designee before implementation;

(F) Provisions for medical consultation and medical examinations in accordance with subsection 5191(g);

(G) Designation of personnel responsible for implementation of the Chemical Hygiene Plan including the assignment of a Chemical Hygiene officer and, if appropriate, establishment of a Chemical Hygiene Committee; and

(H) Provisions for additional employee protection for work with particularly hazardous substances. These include "select carcinogens," reproductive toxins and substances which have a high degree of acute toxicity. Specific consideration shall be given to the following provisions which shall be included where appropriate;

1. Establishment of a designated area;
2. Use of containment devices such as fume hoods or glove boxes;
3. Procedures for safe removal of contaminated waste; and
4. Decontamination procedures.

(4) The employer shall review and evaluate the effectiveness of the Chemical Hygiene Plan at least annually and update it as necessary.

Note: Appendix A of this section is non-mandatory but provides guidance to assist employers in the development of the Chemical Hygiene Plan.

(f) Employee information and training.

(1) The employer shall provide employees with information and training to ensure that they are apprised of the hazards of chemicals present in their work area. Information and training may relate to an entire class of hazardous substances to the extent appropriate.

(2) Such information shall be provided at the time of an employee's initial assignment to a work area where hazardous chemicals are present and prior to assignments involving new exposure situations. The frequency of refresher information and training shall be determined by the employer.

(3) Information. Employees shall be informed of:

(A) The contents of this regulation and its appendices which shall be available to employees;

(B) The location and availability of the employer's Chemical Hygiene Plan;

(C) The exposure limits for Cal/OSHA regulated substances or recommended exposure limits for other hazardous chemicals where there is no applicable Cal/OSHA regulation;

(D) Signs and symptoms associated with exposures to hazardous chemicals used in the laboratory; and

(E) The location and availability of known reference material on the hazards, safe handling, storage and disposal of hazardous chemicals found in the laboratory including, but not limited to, Material Safety Data Sheets received from the chemical supplier.

(4) Training.

(A) Employee training shall include;

1. Methods and observations that may be used to detect the presence or release of a hazardous chemical (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.);

2. The physical and health hazards of chemicals in the work area; and

3. The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used.

(B) The employee shall be trained on the applicable details of the employer's written Chemical Hygiene Plan.

(g) Medical consultation and medical examinations.

(1) The employer shall provide all employees who work with hazardous chemicals an opportunity to receive medical attention, including any follow-up examinations which the examining physician determines to be necessary, under the following circumstances;

(A) Whenever an employee develops signs or symptoms associated with a hazardous chemical to which the employee may have been exposed in the laboratory, the employee shall be provided an opportunity to receive an appropriate medical examination.

(B) Where exposure monitoring reveals an exposure level above the action level (or in the absence of an action level, the exposure limit) for a Cal/OSHA regulated substance for which there are exposure monitoring and medical surveillance requirements, medical surveillance shall be established for the affected employee as prescribed by the particular standard.

(C) Whenever an event takes place in the work area such as a spill, leak, explosion or other occurrence resulting in the likelihood of a hazardous exposure, the affected employee shall be provided an opportunity for a medical consultation. Such consultation shall be for the purpose of determining the need for a medical examination.

(2) All medical examinations and consultations shall be performed by or under the direct supervision of a licensed physician and shall be provided without cost to the employee, without loss of pay and at a reasonable time and place.

(3) Information provided to the physician. The employer shall provide the following information to the physician;

(A) The identity of the hazardous chemical(s) to which the employee may have been exposed;

(B) A description of the conditions under which the exposure occurred including quantitative exposure data, if available; and

(C) A description of the signs and symptoms of exposure that the employee is experiencing, if any.

(4) Physician's written opinion.

(A) For examination or consultation required under this standard, the employer shall obtain a written opinion from the examining physician which shall include the following;

1. Any recommendation for further medical follow-up;
2. The results of the medical examination and any associated tests, if requested by the employee;
3. Any medical condition which may be revealed in the course of the examination which may place the employee at increased risk as a result of exposure to a hazardous chemical found in the workplace; and
4. A statement that the employee has been informed by the physician of the results of the consultation or medical examination and any medical condition that may require further examination or treatment.

(B) The written opinion shall not reveal specific findings of diagnoses unrelated to occupational exposure.

(h) Hazard identification.

(1) With respect to labels and material safety data sheets;

(A) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced.

(B) Employers shall maintain in the workplace any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible to laboratory employees during each work shift when they are in their work area(s).

(2) The following provisions shall apply to chemical substances developed in the laboratory;

(A) If the composition of the chemical substance which is produced exclusively for the laboratory's use is known, the employer shall determine if it is a hazardous chemical as defined in subsection 5191(b). If the chemical is determined to be hazardous, the employer shall provide appropriate training as required under subsection 5191(f).

(B) If the chemical produced is a byproduct whose composition is not known, the employer shall assume that the substance is hazardous and shall implement subsection 5191(e).

(C) If the chemical substance is produced for commercial purposes by another user outside of the laboratory, the employer shall comply with the Hazard Communication Standard (Section 5194) including the requirements for preparation of material safety data sheets and labeling.

(i) Use of respirators.

Where the use of respirators is necessary to maintain exposure below permissible exposure limits, the employer shall provide, at no cost to the employee, the proper respiratory equipment. Respirators shall be selected and used in accordance with the requirements of Section 5144.

(j) Recordkeeping.

(1) The employer shall establish and maintain for each employee an accurate record of any measurements taken to monitor employee exposures and any medical consultation and examinations including tests or written opinions required by this regulation.

(2) The employer shall ensure that such records are kept, transferred, and made available in accordance with Section 3204.

(k) Dates

(1) Employers shall have developed and implemented a written Chemical Hygiene Plan no later than October 31, 1991.

(2) Subsection (a) (2) shall not take effect until the employer has developed and implemented a written Chemical Hygiene Plan.

(l) Appendices. The information contained in the appendices is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligation.

NOTE: Authority cited: Sections 142.3 and 9020, Labor Code. Reference: Sections 142.3, 9004(d), 9009 and 9020, Labor Code.

<http://www.dir.ca.gov/title8/5191.html>