

Regulation 3514.1: Hazardous Substances

Status: ADOPTED

Original Adopted Date: 08/11/1993 | Last Revised Date: 11/12/1997

~~Cautionary Notice 2010-13: AB 1610 (Ch. 724, Statutes of 2010) amended Education Code 37252.2 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under that section. As a result, certain provisions of the following policy or administrative regulation~~

Hazardous substance means a substance, material, or mixture which is likely to cause illness or injury by reason of being explosive, flammable, poisonous, corrosive, oxidizing, an irritant, or otherwise harmful. Hazardous substances, as identified by the Department of Industrial Relations, are listed in 8 CCR 339. (8 CCR 339, 5161)

Storage and Disposal of Chemicals

The Superintendent or designee shall adopt measures to ensure that hazardous substances on any District property are stored and disposed of properly in accordance with law. Such measures shall include, but are not limited to, the following: (8 CCR 5164)

- 1. Substances which react violently or evolve toxic vapors or gases when mixed, or which in combination become toxic, flammable, explosive, or otherwise hazardous, shall be separated from each other in storage by distance, partitions, secondary containment, or otherwise so as to preclude accidental contact between them.***
- 2. Hazardous substances shall be stored in containers which are chemically inert to and appropriate for the type and quantity of the hazardous substance.***
- 3. Containers of hazardous substances shall not be stored in such locations or manner as to result in physical damage to or deterioration of the container or where they are exposed to heat sufficient to rupture the container or to cause leakage.***
- 4. Containers used to package a substance which gives off toxic, poisonous, corrosive, asphyxiant, suffocant, or anesthetic fumes, gases, or vapors in hazardous amounts, excluding small quantities of such materials kept in closed containers or materials kept in tank cars or trucks, shall not be stored in locations where it could be reasonably anticipated that reflect these requirements may be suspended persons would be exposed.***

~~The disposal of chemicals shall be accomplished in accordance with current local, state, and federal regulatory requirements.~~

The Superintendent or designee shall regularly remove and dispose of all chemicals whose estimated shelf life has elapsed. (Education Code 49411)

Hazard Communication Program

The ***District's*** written hazard communication program shall ***include at least the components listed below and shall*** be available upon request to all employees and their designated representatives. ***The program shall apply to any hazardous substance which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a reasonably foreseeable emergency resulting from workplace operations. (8 CCR 5194)***

~~The following materials are exempted from the hazard communication program and this District regulation: hazardous wastes; tobacco products; wood and wood products; manufactured articles; food, drugs, and cosmetics for personal consumption by employees while in the workplace; and substances used in compliance with regulations issued by the Department of Pesticide Regulation pursuant to Food and Agricultural Code 12981.~~

1. Container Labeling

~~Except for consumer products, pesticides, alcoholic beverages, and food, drug, and additive products which are already labeled in compliance with federal law, no~~

~~**No** container of hazardous substance, ***unless exempted by law***, shall be accepted by schools or the District ***or any District school*** unless labeled, ***tagged, or marked*** by the supplier with the following information:~~

- ~~a. Identity ***identity*** of the hazardous substance(s).~~
- ~~b. Hazard, ***hazard*** warning statements.~~
- ~~c. Name, ***and the name*** and address of the chemical manufacturer or importer.~~

~~**No label on an incoming container shall be removed or intentionally defaced unless the container is immediately marked with the required information.**~~

~~Whenever hazardous substances are transferred from their original containers to other containers, the secondary containers shall likewise be labeled with the identity and hazard warning statement, ***unless the substances are intended only for the immediate use of the employee who performs the transfer.***~~

2. Material Safety Data Sheets

Upon receiving a hazardous substance or mixture, the Superintendent or designee shall ensure that the manufacturer ***or importer*** has also furnished a Material Safety Data Sheet (MSDS ***safety data***

sheet (SDS) as required by law. If the ~~MSDS~~ **SDS** is missing or obviously incomplete, the Superintendent or designee shall, **within seven working days of noting the missing or incomplete information**, request a new ~~MSDS~~ **SDS** from the manufacturer and **or importer**. **If a response is not received within 25 working days, the Superintendent or designee shall notify send a copy of the District's written inquiry to** the California Occupational Safety and Health Division (Cal/OSHA). ~~if a complete MSDS is not received~~

The Superintendent or designee shall maintain ~~copies of the~~ **MSDS**~~required~~ **SDS** for ~~all~~**each** hazardous substances **in the workplace** and **shall** ensure that ~~they are kept up to date~~. ~~MSDS sheets will be kept in easily~~ **it is readily** accessible areas available to all affected ~~to~~ employees **in their work area** during working hours. ~~He/she shall review each incoming MSDS for new and significant health~~ **The SDS may be maintained in paper copy, electronically,** or safety information and shall disseminate this information to affected **through other means, provided that** employees. ~~This information is available on the web, and each school site will have~~ **immediate access and understand how to use** the information upon the completion of the wide-area network. **alternative system.**

3. Employee Information and Training

Employees shall receive ~~in service~~ **information and** training on hazardous substances in their work area at the time of their initial assignment and whenever a new hazard is introduced into their work area. ~~This~~ **The information and** training shall include, but is **are** not limited to: **the following topics:** (8 CCR- 5194):)

- ~~a.~~ **a.** An overview of the ~~The~~ requirements of California's Hazard Communication Regulation (8 CCR- 5194),, including employee rights described therein.
- ~~b.~~ **b.** The location, **and** availability, ~~and content~~ of the District's written hazard communication program, **including the list of hazardous materials and all SDS**
- ~~c.~~ **c.** Information as to any **Any** operations in the employees' work area where hazardous substances are present.
- ~~d.~~ **d.** The physical and health effects of the hazardous substances in the work area.
- ~~e.~~ **e.** Techniques and methods of observation **Methods and observations** that may determine **be used to detect** the presence or release of hazardous substances in the work area.
- ~~f.~~ **f.** Methods by which **Measures that** employees can lessen or prevent **take to protect themselves from** exposure to these hazardous substances, **including specific procedures the District has implemented to protect employees**, such as appropriate work practices, use of

emergency procedures, and personal protective equipment, ~~and engineering controls.~~ **to be used**

~~g. Steps the District has taken to lessen or prevent exposure to these substances.~~

~~g. h. Instruction on how **How** to read **and use the** labels and review MSDS for appropriate information.~~ **SDS**

~~i. Emergency and first aid procedures to follow if exposed to the hazardous substance(s).~~

4. List of Hazardous Substances

~~For specific information about~~ **The written hazard communication program shall include a list of** the hazardous substances known to be present in the District and schools, ~~employees may consult the MSDS.~~ **workplace as a whole or for individual work areas. (8 CCR 5194)**

5. Hazardous Nonroutine Tasks

When employees are required to perform hazardous nonroutine tasks **or to work on unlabeled pipes that contain hazards**, they shall first receive information about the specific hazards to which they may be exposed during this activity and the protective/safety measures which must be used, **such as ventilation, respirators, other personal protective equipment, and/or the presence of another employee.** They shall also receive information about emergency procedures and the measures **to follow if accidentally exposed to** the District has taken to lessen the hazards, including ventilation, respirators, and the presence of another employee. **hazardous substance.**

6. Hazardous Substances in Unlabeled Pipes

~~Before starting to work on unlabeled pipes, employees shall contact their supervisors for information as to the hazardous substance(s) contained in the pipes, the potential hazards, and safety precautions which must be taken.~~

~~(cf. 3514 – Environmental Safety)~~

7. Informing Contractors

6. Information to Contractors

To ensure that outside contractors and their employees work safely in District buildings and schools **facilities**, the Superintendent or designee shall inform these contractors of hazardous substances which are present on the site and precautions that employees **they** may take to lessen the

possibility of exposure. It shall be the contractor's responsibility to disseminate this information to his/her employees and subcontractors.

Chemical Hygiene Plan

The District's chemical hygiene plan shall address exposure to hazardous chemicals in school laboratories and shall include the following components: (8 CCR 5191)

- 1. Standard operating procedures relevant to safety and health considerations to be followed when laboratory work involves the use of hazardous chemicals***
- 2. Criteria that the District will use to determine and implement control measures to reduce exposure to hazardous chemicals, including engineering controls, the use of personal protective equipment, and hygiene practices***
- 3. A requirement that protective equipment comply with state regulations and that specific measures be taken to ensure proper and adequate performance of such equipment***
- 4. Provision of specified information 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***
- 5. Provision of specified employee training in accordance with the schedule determined by the Superintendent or designee***
- 6. The circumstances under which a particular laboratory operation, procedure, or activity shall require prior approval of the Superintendent or designee before implementation***
- 7. Provisions for medical consultations and examinations whenever there is evidence, as specified, that the employee may have been exposed to a hazardous chemical***
- 8. Designation of an employee, who is qualified by training or experience, to serve as the District's chemical hygiene officer to provide technical guidance in the development and implementation of the chemical hygiene plan***
- 9. Provisions for additional employee protection for work with particularly hazardous substances, as specified***

The plan shall be readily available to employees and employee representatives, and, upon request, to Cal/OSHA. (8 CCR 5191)

The Superintendent or designee shall review and evaluate the effectiveness of the chemical hygiene plan at least annually and shall update it as necessary. (8 CCR 5191)