

CONCURRENCE IN SENATE AMENDMENTS

AB 647 (Katra)

As Amended September 3, 2019

Majority vote

SUMMARY:

Requires, beginning July 1, 2020, an entity that manufactures or imports a hazardous substance or mixture of substances that constitutes a cosmetic, or any substance or mixture of substances used as a disinfectant, that is required to create or obtain a safety data sheet, to post and maintain the safety data sheet on the entity's internet website by its brand name or other commonly known name in a manner generally accessible to the public. Requires, if a separate safety data sheet based on color or tint exists, the entity to post and translate each safety data sheet on its website. Requires the entity to translate the safety data sheet(s) into Spanish, Vietnamese, Chinese, Korean, and other languages that the director of the Division of the Department of Industrial Relations may determine to be common for the beauty care industry.

The Senate Amendments:

- 1) Establish July 1, 2020, as the effective date.
- 2) Clarify the responsible entity is the manufacturer or importer.
- 3) Replace any substance or mixture of substances "to disinfect" with those that are used "as a disinfectant."
- 4) Require an entity to maintain a safety data sheet on its website once it has been posted.
- 5) Require an entity to post and translate a safety data sheet for a separate color or tint, if there is an existing safety data sheet.
- 6) Make technical amendments.

COMMENTS:

The California Division of Occupational Safety and Health's Hazard Communication Standard requires product manufacturers to provide employers with an safety data sheet for each product used in the workplace that may contain a hazardous chemical (Labor Code Section 6390). The safety data sheet explains the health risks of the product and lists precautions for worker protection.

For each hazardous chemical, a safety data sheet provides information such as health hazards; special chemical and physical characteristics; protective measures; and, recommendations for safe handling, use, and storage of each chemical. Employers can use the information contained in safety data sheets to educate employees on hazards associated with chemicals found in their workplace. Because information contained in safety data sheets can change, employers must review the safety data sheets and ensure that employees are provided with the most current version.

The challenge is that employees may request safety data sheets from their employer, but they can be difficult to obtain from the manufacturer. Additionally, many workers are characterized as

"independent contractors" and therefore do not have the same rights under occupational safety and health law as "employees" to demand safety data sheets from the employer.

According to the Author:

"Salon professionals, many of whom are immigrants and women of color, handle cosmetic products that contain hazardous chemicals on a daily basis and for long hours. Cosmetic manufacturing companies are required by law to create safety data sheets. However, there currently is no law requiring manufactures to post safety data sheets online. This bill would require manufacturing companies to post them on the internet making it accessible to salon professionals and translating them into the most prominent languages spoken by workers. AB 647 would give workers access to important information, empowering them to take control of their health by becoming educated in the potential health hazards and take the necessary precautions to protect themselves. By increasing the transparency and bringing safety awareness, we can improve the health and working conditions for salon professionals."

Arguments in Support:

Physicians for Social Responsibility, San Francisco Bay Area Chapter, states, "On a daily basis, for long hours, nail and hair salon professionals handle potentially hazardous products including disinfectants, polishes, dyes, and straighteners, containing a multitude of chemicals known or suspected to cause cancer, allergies, and respiratory, neurological and reproductive harm. Passing AB 647 (Katra) will help ensure that safety data sheets for cosmetics and disinfectants are easier to access by requiring them to be posted on a website. It will help remove language as a barrier to important worker safety and health information by requiring safety data sheets to be translated into certain specified languages, including Vietnamese."

Arguments in Opposition:

The Chemical Industry Council of California writes, "Importantly, though, workplace exposure potential will almost always be different in type, frequency, intensity and duration than in normal consumer use of products containing any given chemical. The safety data sheet process already requires such workplace warnings to be in languages appropriate to a given worksite, under the regulatory authority of both OSHA and Cal OSHA. It is therefore unclear what specifically is to be gained by mandating internet posting of safety data sheet information. Indeed such posting may end up being confusing, to the degree that it is not geared to the specifics of the chemicals used in a given worksite."

FISCAL COMMENTS:

The Senate Appropriations Committee determined that any state costs of the bill are insignificant pursuant to Senate Rule 28.8.

VOTES:

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 7-0-2

YES: Quirk, Katra, Bauer-Kahan, Dahle, Cristina Garcia, Holden, Muratsuchi

ABS, ABST OR NV: Melendez, Mathis

ASM LABOR AND EMPLOYMENT: 6-0-1

YES: Katra, Carrillo, Diep, Gonzalez, Jones-Sawyer, Luz Rivas

ABS, ABST OR NV: Flora

ASM APPROPRIATIONS: 12-0-6

YES: Gonzalez, Bloom, Bonta, Calderon, Carrillo, Chau, Eggman, Gabriel, Maienschein, Petrie-Norris, Quirk, Robert Rivas

ABS, ABST OR NV: Bigelow, Brough, Diep, Fong, Eduardo Garcia, Obernolte

ASSEMBLY FLOOR: 59-1-20

YES: Bauer-Kahan, Berman, Bloom, Boerner Horvath, Bonta, Carrillo, Cervantes, Chau, Chen, Chiu, Chu, Cunningham, Dahle, Diep, Eggman, Frazier, Friedman, Gabriel, Cristina Garcia, Gloria, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lackey, Levine, Limón, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Obernolte, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Mark Stone, Ting, Waldron, Weber, Wicks, Wood, Rendon

NO: Brough

ABS, ABST OR NV: Aguiar-Curry, Arambula, Bigelow, Burke, Calderon, Choi, Cooley, Cooper, Daly, Flora, Fong, Gallagher, Eduardo Garcia, Gipson, Kamlager-Dove, Kiley, Melendez, Patterson, Smith, Voepel

SENATE FLOOR: 40-0-0

YES: Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dahle, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Jones, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stern, Stone, Umberg, Wieckowski, Wiener, Wilk

UPDATED:

VERSION: September 3, 2019

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FN: 0001870