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Hazard communication under Section 5194: the program, the list, the sheets, the labels, the training

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Title 8, Section 5194 is California's Hazard Communication standard. In this note I go through the five things it asks of an employer whose people work around hazardous chemicals: a written program, a chemical list, safety data sheets employees can reach, labels on containers, and training.

Section 5194(b)(2) applies the standard to any hazardous chemical 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. I worked from the [current text of Section 5194](#).

The written program

Section 5194(e)(1) requires employers to develop, implement, and maintain at the workplace a written hazard communication program. The program has to describe how the employer will meet the labeling, safety data sheet, and training requirements in subsections (f), (g) and (h). Under (e)(1)(B) it also states the methods the employer will use to inform employees of the hazards of non-routine tasks and of chemicals in unlabeled pipes in their work areas.

On a multi-employer site, Section 5194(e)(2) adds the methods for giving other employers access to safety data sheets, informing them of precautionary measures, and explaining the labeling system. Under (e)(3) the program is made available on request to employees and their designated representatives. When I review a program, I look for a named job title against each of these duties.

The chemical list

The list is part of the written program. Section 5194(e)(1)(A) calls for a list of the hazardous chemicals known to be present, using a product identifier that is referenced on the appropriate safety data sheet. The employer may compile it for the workplace as a whole or for individual work areas.

I use the product identifier as the thread between the list, the data sheet and the container. I pull ten containers from shelves and cabinets and look for each one on the list, then pick ten lines from the list and ask for the data sheets.

Safety data sheets and access

Under Section 5194(g)(1), an employer must have a safety data sheet for each hazardous chemical it uses. Section 5194(g)(8) requires copies to be kept and to be readily accessible during each work shift to employees when they are in their work areas. Where employees travel between workplaces during a

shift, (g)(9) allows the sheets to be kept at a central location at the primary workplace facility, and the employer must then make sure employees can immediately obtain the required information in an emergency.

A missing sheet has its own procedure. Section 5194(g)(12) gives the employer 7 working days from noting the gap to make a written inquiry to the manufacturer or importer asking for the complete sheet. If no response has arrived within 25 working days, a copy of the inquiry goes to the Director.

Container labels

Section 5194(f)(6) requires each container of hazardous chemicals in the workplace to be labeled, tagged, or marked in one of two ways:

- **The shipped-label elements.** The product identifier, signal word, hazard statement, pictogram and precautionary statement listed in (f)(1)(A) through (E).
- **A workplace label.** The product identifier with words, pictures, symbols, or a combination that gives at least general information about the hazards and that, together with the other information immediately available under the program, gives employees the specific information on the physical and health hazards.

Two exceptions are written into the subsection. For stationary process containers, (f)(7) allows signs, placards, process sheets, batch tickets or operating procedures in place of individual labels, provided the method identifies the containers it covers and conveys the same information. Under (f)(8), a portable container filled from a labeled container needs no label when it is intended only for the immediate use of the employee who made the transfer. Subsection (c) defines immediate use as under the control of and used only by that person, and only within the work shift in which the chemical was transferred. A spray bottle left on a cart for the next shift is outside that definition.

Section 5194(f)(9) bars removing or intentionally defacing labels on incoming containers unless the container is immediately marked with the required information. Under (f)(10), workplace labels must be legible, in English, and prominently displayed on the container or readily available in the work area throughout each shift. An employer may add other languages as long as the English stays.

Employee training

Section 5194(h)(1) requires effective information and training at the time of initial assignment and whenever a new chemical hazard is introduced into the work area. Section 5194(h)(2) lists the minimum content:

- the requirements of Section 5194;
- operations in the work area where hazardous chemicals are present;
- where the written program, the chemical list and the safety data sheets are kept;
- how to detect the presence or release of a hazardous chemical;
- the hazards of the chemicals in the work area and the protective measures in place;

- the employer's program, including how to read the labels and the safety data sheet;
- the employee rights in (h)(2)(G), including the right to personally receive information on the chemicals they may be exposed to.

The training subsection also sets a 30-day clock. When a new or revised safety data sheet shows significantly increased risks, or new measures needed to protect employee health, (h)(3) requires that the information reach employees within 30 days of receipt.

When I audit a hazard communication program I read these five pieces against each other: the list against the shelves, the sheets against the list, the labels against the sheets, and the training outline against all three. Most of the gaps I find sit between two pieces, where one was updated and the others were left alone.

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