

Regulation 3514.1: Hazardous Substances

Status: ADOPTED

Original Adopted Date: 12/01/1989 | **Last Revised Date:**
04/01/2013 | **Last Reviewed Date:** 04/01/2013

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 persons would be exposed.
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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)

1. Container Labeling

No container of hazardous substance, unless exempted by law, shall be accepted by the district or any district school unless labeled, tagged, or marked by the supplier with the identity of the hazardous substance, hazard warning statements, 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. Safety Data Sheets

Upon receiving a hazardous substance or mixture, the Superintendent or designee shall ensure that the manufacturer or importer has furnished a safety data sheet (SDS) as required by law. If the 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 SDS from the manufacturer or importer. If a response is not received within 25 working days, the Superintendent or designee shall send a copy of the district's written inquiry to the California Occupational Safety and Health Division (Cal/OSHA). (8 CCR 5194)

The Superintendent or designee shall maintain the required SDS for each hazardous substance in the workplace and shall ensure that it is readily accessible to employees in their work area during working hours. The SDS may be maintained in paper copy, electronically, or through other means, provided that employees have immediate access and understand how to use the alternative system.

3. Employee Information and Training

Employees shall receive 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. The information and training shall include, but are not limited to, the following topics: (8 CCR 5194)

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1. The requirements of 8 CCR 5194, including employee rights described therein
 2. The location and availability of the district's written hazard communication program, including the list of hazardous materials and all SDS
 3. Any operations in the work area where hazardous substances are present
 4. The physical and health effects of the hazardous substances in the work area

5. Methods and observations that may be used to detect the presence or release of hazardous substances in the work area
 6. Measures that employees can take to protect themselves from exposure to hazardous substances, including specific procedures the district has implemented to protect employees, such as appropriate work practices, emergency procedures, and personal protective equipment to be used
 7. How to read and use the labels and SDS
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4. List of Hazardous Substances

The written hazard communication program shall include a list of the hazardous substances known to be present in the 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 to follow if accidentally exposed to the hazardous substance.

6. Information to Contractors

To ensure that outside contractors and their employees work safely in district facilities, the Superintendent or designee shall inform contractors of hazardous substances which are present on the site and precautions that 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
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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)

State	Description
22 CCR 67450.40-67450.49	School hazardous waste collection, consolidation, and accumulation facilities
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 337-339	Hazardous substances list
8 CCR 5139-5230	Control of hazardous substances
8 CCR 5154.1-5154.2	Ventilation
8 CCR 5161	Definitions
8 CCR 5162	Emergency eyewash and shower equipment
8 CCR 5163	Control of spills
8 CCR 5164	Storage of hazardous substances
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Ed. Code 32060-32066	<u>Toxic art supplies</u>
Ed. Code 49340-49341	<u>Hazardous substances education</u>
Ed. Code 49401.5	<u>Legislative intent; consultation services</u>
Ed. Code 49411	<u>Chemical listing; compounds used in school programs; determination of shelf life; disposal</u>
F&A Code 12981	<u>Regulations re pesticides and worker safety</u>
H&S Code 108100-108515	<u>California Hazardous Substances Act</u>
H&S Code 25163	<u>Transportation of hazardous wastes; registration; exemptions; inspection</u>
Lab. Code 6360-6363	<u>Hazardous Substances Information and Training Act</u>
Lab. Code 6380-6386	<u>List of hazardous substances</u>

Management Resources

California Department of Education
Publication
OEHHA Publication

Website
Website
Website
Website
Website

Description

Science Safety Handbook for California Public Schools, 2014

Art and Craft Materials in Schools: Guidelines for Purchasing and Safe Use, September 17, 2016

CSBA District and County Office of Education Legal Services
California Office of Environmental Health Hazard Assessment

Department of Industrial Relations, Cal/OSHA

CSBA

California Department of Education

Code

0450
0450
1240
1240
3260
3260
3510
3511
3511
3514
3514
3514.2
3530
3530
4112.6
4112.9
4112.9-E(1)
4119.42
4119.42
4119.42-E(1)
4131
4157
4157
4212.6
4212.9
4212.9-E(1)
4219.42
4219.42
4219.42-E(1)
4231
4257
4257
4312.6
4312.9
4312.9-E(1)
4319.42
4319.42
4319.42-E(1)
4331
4357
4357
5141.22
5141.22
5142
5142
6142.93

Description

Comprehensive Safety Plan
Comprehensive Safety Plan
Volunteer Assistance
Volunteer Assistance
Fees And Charges
Fees And Charges
Green School Operations
Energy And Water Management
Energy And Water Management
Environmental Safety
Environmental Safety
Integrated Pest Management
Risk Management/Insurance
Risk Management/Insurance
Personnel Files
Employee Notifications
Employee Notifications
Exposure Control Plan For Bloodborne Pathogens
Exposure Control Plan For Bloodborne Pathogens
Exposure Control Plan For Bloodborne Pathogens
Staff Development
Employee Safety
Employee Safety
Personnel Files
Employee Notifications
Employee Notifications
Exposure Control Plan For Bloodborne Pathogens
Exposure Control Plan For Bloodborne Pathogens
Exposure Control Plan For Bloodborne Pathogens
Staff Development
Employee Safety
Employee Safety
Personnel Files
Employee Notifications
Employee Notifications
Exposure Control Plan For Bloodborne Pathogens
Exposure Control Plan For Bloodborne Pathogens
Exposure Control Plan For Bloodborne Pathogens
Staff Development
Employee Safety
Employee Safety
Infectious Diseases
Infectious Diseases
Safety
Safety
Science Instruction