

## Assembly Bill No. 184

### CHAPTER 366

An act to amend Section 6394 of, and to add and repeal Section 6394.5 of, the Labor Code, relating to hazardous substances.

[Approved by Governor September 13, 1999. Filed  
with Secretary of State September 13, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 184, Davis. Employment: hazardous materials safety data filing.

Under existing provisions of the Hazardous Substances Information and Training Act, the Director of Industrial Relations is required to prepare and amend, as prescribed, a list of hazardous substances and make that list available to manufacturers, employers, and the public. Existing law requires the manufacturer of any hazardous substance on that list to provide a specified material safety data sheet (MSDS) to direct purchasers of the hazardous substance. Under existing law, the manufacturer is responsible for preparing the MSDS. Existing law also requires the preparer of an MSDS to provide the Department of Industrial Relations with a copy of the MSDS on each hazardous substance it manufactures.

This bill would authorize the preparer to transmit the MSDS to the department in either paper or electronic form and would establish the responsibility for the protection of trade secret information contained in a MSDS that is filed electronically.

The bill would require the department to implement a system, for the period of January 1, 2002 to January 1, 2003, inclusive, enabling electronic MSDS filings and require the department to evaluate the effectiveness of the electronic filing format on relevant parties. The bill would prohibit implementation of its provisions before July 1, 2001, unless otherwise authorized pursuant to a specified executive order.

*The people of the State of California do enact as follows:*

SECTION 1. Section 6394 of the Labor Code is amended to read:

6394. The preparer of an MSDS shall provide the department with a copy of the MSDS on each hazardous substance it manufactures. The preparer may transmit the MSDS to the department in either paper or electronic form. In the electronic filing of an MSDS, it is the responsibility of the preparer to protect any trade secret information contained in the MSDS during transmission to the department. Upon receipt by the department of

the MSDS, it is the responsibility of the department to protect any trade secret information.

SEC. 2. Section 6394.5 is added to the Labor Code, to read:

6394.5. (a) The department shall adopt an electronic format for the electronic filing of an MSDS with the department and shall implement a system, by January 1, 2002, enabling electronic MSDS filings for purposes of complying with this section using the form. The department shall evaluate the use and effectiveness of the electronic format on relevant parties, including, but not limited to, the preparer of an MSDS, affected employers, and affected employees. The system shall employ electronic MSDS format, transmission, protocol, and authentication techniques that are, in the estimation of the department, compatible with those techniques developed and demonstrated by the Secretary for Environmental Protection pursuant to Part 2 (commencing with Section 71050) of Division 34 of the Public Resources Code.

(b) This section may not be implemented, and no information technology-related preparatory work may be undertaken in connection with this act before July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99.

(c) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

