

DRAFT Regents Lab Safety Settlement Agreement Obligations – UCI Campus Plan – September 5, 2012

Timeline	Description
<p>September 25, 2012 (Lab personnel to commence training)</p> <p>November 24, 2012 (PIs commence training)</p> <p>EH&S recommends a target completion date.</p>	<p><i>#1 – Regents to require laboratory personnel to complete a Laboratory Safety Training Program.</i></p> <ul style="list-style-type: none"> • Need to ensure any new or visiting PI's is prohibited from operating any laboratory facility, or directing or supervising any employees within any laboratory facility without first completing relevant campus' Laboratory Safety Training Program that complies with Title 8 regulations governing laboratory operations. Subject matter provides the following: <ul style="list-style-type: none"> – Comprehensive coverage of the relevant campus' Laboratory Safety Manual; – Complete training covering policy concerning an individual's rights and responsibilities relative to lab safety. • Individual Laboratory Safety Training administered after January 1, 2010 will satisfy this requirement, if the training is certified to meet the subject matter listed herein and written records of the training are maintained. • Once the UC Training Policy is finalized, will require all laboratory personnel to take training, and refresher every three years. <p>Campus Specific Compliance – Required PI Safety Training</p> <ul style="list-style-type: none"> • This will only initially apply to: <ul style="list-style-type: none"> – Chemistry Department (Physical Sciences ~50 PIs) – Molecular Biology & Biochemistry (Biological Sciences ~25 PIs) – Biological Chemistry (School of Medicine ~25 PIs) • PI's will take either PI Creating a Safety Culture (preferred), Lab Core Safety, or UC system wide Lab Safety Training (almost completed). NOTE: <i>There is UC discussion of redundancy and how the training should be managed. To get PI's to comply, message will come from UCOP (similar to Ethics and Sexual Harassment Trainings), so system wide PI Lab Safety Training could replace campus specific trainings.</i>
<p>November 24, 2012</p>	<p><i>#2 – Regents agree to provide the LADA and Cal/OSHA with a written Certification by each campus EH&S Director confirming that it has commenced the implementation of safe lab practices and procedures compliant with Title 8.</i></p> <p>Campus Specific Compliance</p> <ul style="list-style-type: none"> • Vice Chancellor of Research (VCR)/Vice Chancellor of Administration (VCA)/EVCP to send out message to PIs in all affected departments explaining the settlement agreement; and requesting compliance. <ul style="list-style-type: none"> – See attached draft message • EH&S to monitor compliance and share with effected areas • EH&S to send written compliance certification

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January 23, 2013	<p data-bbox="464 139 1688 168">#3 – Regents to provide an interim list of its laboratory facilities at the other nine (9) campuses.</p> <p data-bbox="464 212 865 241">Campus Specific Compliance</p> <ul data-bbox="512 250 1940 461" style="list-style-type: none"> <li data-bbox="512 250 1940 391">• EH&S, Office of Research, and Academic Units will compile a list of locations of each laboratory; the PI assigned to each laboratory; and the general type of research being undertaken in each laboratory (i.e., biochemistry, chemistry, chemical synthesis etc.). Locations will include storage rooms (contains hazardous materials, cold rooms, -80 freezers, etc.). <ul data-bbox="606 399 1940 461" style="list-style-type: none"> <li data-bbox="606 399 1940 461">– Share results with stakeholders for review and comment 30-days prior to submitting to UCOP for final comprehensive submittal to LA District Attorney.
No date is indicated, as this is something that campuses should've already had in place based on current Cal/OSHA regulations	<p data-bbox="464 508 1961 646">#4 – <i>UCLA and each of the other Regents' campuses shall maintain a formal written Laboratory Safety Manual (LSMs) and Chemical Hygiene Plan (CHPs). UCLA and Regents will also ensure that the LSMs are maintained in a visible location within each laboratory and are readily accessible to all laboratory personnel. Electronically available copies of the Laboratory Safety Manual are acceptable.</i></p> <ul data-bbox="512 654 1919 792" style="list-style-type: none"> <li data-bbox="512 654 1919 716">• UCOP is in the process of recruiting for a Laboratory Safety Manager to assist in this effort and to act as Project Manager to ensure campuses comply with this requirement. <li data-bbox="512 724 1919 792">• UCOP is reviewing system wide database system to maintain the CHPs and standard operating procedures (SOPs), along with an approval system. <p data-bbox="464 833 865 862">Campus Specific Compliance</p> <ul data-bbox="512 870 1906 976" style="list-style-type: none"> <li data-bbox="512 870 1906 976">• EH&S to ensure that the labs have formal written LSMs and CHPs. If needed, EH&S will assist in developing one for the lab. We will demonstrate compliance through our Safety On-Site (SOS) program.
September 25, 2012 (Campus must begin to implement review process immediately and no later than 9/25)	<p data-bbox="464 1021 1948 1232">#5 – <i>UCLA and Regents shall ensure that all laboratory facilities comply with Title 8 requirements for standard operating procedures (SOPs). The PI and all personnel responsible for performing the procedures detailed by the SOP shall sign the SOP, acknowledging the contents, requirements and responsibilities outlined in the SOP, and be located in a visible location and readily accessible to all laboratory personnel – electronic versions are also acceptable. The SOP shall be reviewed and be performed by qualified personnel. A template will be created so it is uniform for system wide use.</i></p> <ul data-bbox="512 1240 1940 1453" style="list-style-type: none"> <li data-bbox="512 1240 1940 1302">• SOP's also need to be developed for the list of chemicals contained in "Exhibit 1" of the Settlement Agreement. <ul data-bbox="606 1310 1940 1453" style="list-style-type: none"> <li data-bbox="606 1310 1940 1346">– Work with VCR/Academic Faculty Senate to identify qualified (faculty) personnel to review SOPs. <li data-bbox="606 1354 1940 1453">– Required SOP's (based on chemical classification): Pyrophorics, Water Reactives, Potentially Explosive Compounds & Chemicals, Acutely Toxic Chemicals & Gases, Peroxide Forming Chemicals (Class 1, 2, & 3), Strong Corrosives & Bases, Strong Oxidizing Agents, Strong Reducing

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	<p style="text-align: center;">Agents, and Regulated Carcinogens</p> <p>Campus Specific Compliance</p> <ul style="list-style-type: none"> • UCOP developing template for systemwide use • EH&S and Academic Units to partner in developing SOPs. This is also a good opportunity to work with labs to remove hazardous materials that they think they will not be using so that SOP's will not need to be developed and will reduce the overall risk of the laboratory. <ul style="list-style-type: none"> – PI (or group of PI's) completes lab specific protocol/procedure. • Campus review of SOP <ul style="list-style-type: none"> – PI collaboration
<p>September 25, 2012 (no date indicated but this is could be the expectation)</p>	<p><i>#6 – Regents shall maintain written procedures for the safe use of pyrophoric liquid reagents. The written procedures shall be made readily available to laboratory personnel who handle pyrophoric reagents – electronic versions are acceptable. The procedures shall at a minimum, follow the UCLA “Procedures for Safe Use of Pyrophoric Liquid Reagents, 2/2009”.</i></p> <p>Campus Specific Compliance</p> <ul style="list-style-type: none"> • EH&S and PI's identify locations using pyrophoric reagents. • EH&S and appropriate PI's ensure labs have written procedures for safe use of pyrophoric liquid reagents. <ul style="list-style-type: none"> – Work with VCR/Academic Faculty Senate to identify qualified personnel to review written procedures.
<p>Semi-Annually (next 4 years – duration of settlement Agreement)</p>	<p><i>#7 – EH&S Directors of each campus will provide the LA District Attorney certification that his/her campus is in substantial compliance with the terms of this Agreement, semi-annually. Also, it includes between thirty and sixty days before the expiration of the Agreement Term. [Confirming with UCOP if #2 above will be the first submittal, or if the date is based on the July 27th Settlement date]</i></p> <p>Campus Specific Compliance</p> <ul style="list-style-type: none"> • Quarterly compliance status updates created by EH&S and sent to VCR, VCA, Faculty Senate Chair, appropriate Deans and Chairs. • 30-days prior to submitting “certification”, meet with all of the stakeholders (VCR, VCA, Academic Faculty Senate, appropriate Deans and Department Chairs) with status updates.
<p>Within 30-days of breach</p>	<p><i>#8 – The Vice Chancellor of Research of the campus must initiate curative action in order to attribute a breach of the Agreement of an employee to Regents.</i></p> <p>Campus Specific Compliance</p> <ul style="list-style-type: none"> • EH&S, appropriate Deans and Department Chairs, PI's must report breach of Agreement to VCR. • Communicate this via letters, websites, Zotmail, etc.

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Within 30 days of written notice	<i>#9 – If LA District Attorney believes that Regents has breached this Agreement, they shall send a written notice to which Regents must respond to within 30 days from the date on the note. LA District Attorney shall then provide Regents with their final determination.</i>
Within 30 days of letter from LA District Attorney	<i>#10 – If LA District Attorney believes that Regents has breached this Agreement, they shall send a written notice. Regents must respond to within 30 days from the date on the note to demonstrate no breach has occurred or that it has been cured.</i>
Special Master’s decision	<i>#11 – The Regents agree to make any payment of the penalty decided upon by the Special Master pursuant to this paragraph within 30 days of notice of the Special Master’s decision on the matter. The Regents’ failure to make timely payment will constitute a separate material breach of this Agreement. Payment of a penalty by the Regents pursuant to this Agreement shall not relieve the Regents of performing its obligations under this Agreement.</i>
July 27, 2012 - Term of Agreement	<p><i>#12 – Enhanced Reporting Requirements</i></p> <p>PI’s shall be required to immediately report all reportable (overnight hospitalization) occupational injury or illnesses under Title 8 CCR, Section 342 to UCLA EH&S or to Regents’ campuses EH&S as applicable. During the term of the Agreement (four years), UCLA and Regents shall immediately notify the Cal/OSHA Enforcement Unit, via telephone and email, of any such reportable occupational injury or illness and shall immediately notify the Cal/OSHA Bureau of Investigation, via telephone and email, of any occurrence. UCLA and Regents shall immediately secure any incident scene from all access and preserve all evidence until the Cal/OSHA Enforcement Unit AND Cal/OSHA Bureau of Investigation each responds or each determines that a response is not required (only if inpatient hospitalization is for a period in excess of 24 hours). If no response is provided by either Cal/OSHA Enforcement Unit or Cal/OSHA Bureau of Investigation within 24 hours of when notice is received by Cal/OSHA, that shall be a determination that a response is not required. UCLA and Regents may take all necessary steps to eliminate life/safety issues (i.e., fire or continued property damage), or environmental risks associated with the occurrence prior to securing the scene. UCLA personnel or Regents’ campuses personnel shall to the extent possible, document any such activities.</p> <p>Campus Specific Compliance</p> <ul style="list-style-type: none"> • Include this requirement in the training requirements for PI’s message from the VCR/VCA/EVCP and in other communications (Zotmail, Newsletter, EH&S website and academic websites.)
July 27, 2012 - Term of Agreement	<p><i>#13 – Cal/OSHA Enhanced Inspections</i></p> <p>During the term of the Agreement (next four years), the Cal/OSHA Enforcement Unit and/or Cal/OSHA Bureau of Investigation, jointly or severally, at its discretion, shall have full access to any UCLA or Regents’ laboratory facilities for the purposes of conducting inspections to determine compliance with its terms as set forth herein. The inspections shall be limited to three annually during the term of the Agreement, with the duration of any inspection to</p>

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	<p>be determined at the discretion of the Cal/OSHA Enforcement Unit and/or Cal/OSHA Bureau of Investigation, jointly or severally. Advance notice of an inspection shall not be given to UCLA or Regents' facility. However, upon arrival at a designated laboratory, Cal/OSHA personnel shall contact the Regents' campus facility representative or UCLA EH&S representative, to be designated by the Regents or UCLA, and will permit the representative to be present during the inspection if such representative is reasonable available. "Reasonable available" shall mean availability within 1 hour of initial contact or attempted contact. Cal/OSHA personnel shall not be precluded from documenting any observable conditions while at the laboratory or beginning any inspection where the loss of critical information may, at the determination of Cal/OSHA personnel be likely, while waiting for the arrival of a representative. UCLA and Regents shall provide all documents, information and records necessary for the completion any inspection, upon request form Cal/OSHA personnel.</p> <p>Campus Specific Compliance</p> <ul style="list-style-type: none"> • Include this requirement in the training requirements for PI's message from the VCR/VCA/EVCP and in other communications (Zotmail, Newsletter, EH&S website and academic websites).