

ST. LAWRENCE UNIVERSITY

HAZARD COMMUNICATION POLICY
(Right to Know)

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1. Introduction

1.1. Purpose

St. Lawrence University is committed to providing a safe and healthful work environment for our faculty, staff and students. The Hazard Communication Standard (HCS) as found in [29 CFR 1910.1200](#) (see also Appendix B) is based on a simple concept—that employees have both a need and a right to know the hazards and identities of the chemicals they are exposed to when working. Such employees will make knowledgeable decisions and support protective measures such as product substitutions, engineered improvements and use administrative controls and personal protective equipment.

1.2. Availability of the Written Program

The Written Hazard Communication Policy is available to all employees. Copies of the written program can be obtained from the Environmental Health and Safety Web Site <https://www.stlawu.edu/environmental-health-and-safety/resource/hazard-communication-plan-chemicals> or by contacting the Chemical Hygiene Officer, Suna Stone-McMasters 229-5105, smcmasters@stlawu.edu. If employees have further questions they may contact the Environmental Health and Safety Director, 315-229-5913/5607.

1.3. Applicability

The procedures contained in this program are applicable to all employees of St. Lawrence University who are exposed to or may be exposed to hazardous chemicals and toxic substances. Examples of hazardous chemicals can be found in:

- 29 CFR 1910, Subpart Z Toxic and Hazardous Substances, OSHA
- Threshold Limit Values for Toxic Substances and Physical Agents in the Work Environment, ACGIH
- National Toxicology Program (NTP), “Annual Report on Carcinogens”
- International Agency for Research on Cancer (IARC), “Monographs”

Portions of this program are applicable to suppliers of materials to St. Lawrence University and contractors or vendors hired to perform work on the SLU campus.

1.4. Hazard Communication Program Overview

The St. Lawrence University Hazard Communication Policy consists of six (6) parts:

- [Inventory](#)
- Safety Data Sheet (SDS)
- [Labeling](#)
- [Contractor policy](#)
- [Chemical hazards and safety](#)
- [Training](#)

2. Inventory

The Chemical Hygiene Officer (CHO) maintains an inventory of all chemicals on campus in cooperation with the departments. The inventory is monitored by the CHO working in cooperation with the Science, Environmental Studies, Fine Arts and other academic Departments, Dining Services and Facilities Operations. All departments which use or store hazardous chemicals are required to do an annual physical inventory and send an excel spreadsheet of the updated inventory to the chemical hygiene officer.

3. Material Safety Data Sheets and Safety Data Sheets

Material Safety Data Sheets (MSDS's) or Safety Data Sheets (SDS's) are available for every hazardous chemical on campus. SDS's are the primary source of safety information for a particular chemical. Information is provided in a standard 16-part format. An OSHA guide to reading SDSs is located in **Appendix A**. Employees may access the online SDS collection from a campus computer via hq.msdonline.com/stlaw2436.

St. Lawrence University has contracted with 3-E Company to provide material safety data sheets, 24 hours a day, seven days a week by calling 1-800-451-8346. The caller should identify themselves as a participant under the St. Lawrence University 3-E contract, and have a fax number available of where to have the SDS faxed. The FAX number at Security can be used anytime for this (315-229-7414). Callers will be asked to provide the product name, manufacturer name, product number and UPC code (if available).

4. Labeling

Each department chair or director using hazardous chemicals and toxic substances at St. Lawrence University is responsible for labeling and maintaining labels. All containers must have a label that is prominently displayed. It must be in English and may not be defaced in any way.

Each container of hazardous chemicals or toxic substances shall be labeled, tagged or marked with the following information:

- Trade name or chemical name of the material (chemical symbols are not appropriate unless a chart or key is immediately available and on display)
- Appropriate hazard warnings (words, pictures, symbols, NFPA diamond, HMIS labels, etc.) including physical and health hazards
- Name and address of the chemical manufacturer, importer, or other responsible party.

When it is necessary to transfer the product into other containers, this label information must also be transferred. This may be accomplished by making a photocopy of the original container and fixing it to the transfer containers, or by manually transferring the information. Exemptions to this requirement are limited to:

- Portable containers into which materials are transferred from labeled containers, and which are intended only for the immediate use of the employee who performs the transfer (i.e., mop buckets) for his/her own use during that particular work shift.

- Temporary laboratory containers need only be labeled as to the identity of their contents. Original containers, however, must maintain manufacturer's labels which include additional information.
- Reaction vessels such as beakers, flasks, etc., which are intended to be under the immediate supervision of an individual and will be emptied and cleaned immediately after use.
- In house, stationary containers, pipes or storage tanks that are otherwise identified (by placard, etc.), however, all information must be available to employees.
- Pesticides
- Distilled Spirits (alcohol)
- Items – as defined and covered by the Consumer Product Safety Act
- Hazardous Waste – Follow the [Waste Management and Minimization Plan](#) for labeling hazardous waste containers.)

Labels are to be provided by the manufacturer or supplier and must include the following:

- Name and address of manufacturer or responsible party
- Identify – Full chemical name, Chemical abstract number
- Physical and Health Hazard Warning(s) – Written hazard statement and/or hazard symbols. Information on chemical hazards, handling and target organ effects.
- Date received, date opened and if necessary date expiring (i.e. peroxide formers).
- Secondary containers must contain all of the above information as well as the date the bottle is filled. This can be done by obtaining the information from the MSDS.










There are several systems and standards for labeling chemicals to communicate their hazards, but there is not a uniformly accepted system in use at this time. Each system and standard has advantages and limitations.

GHS - The Globally Harmonized System (GHS) of Classification and Labelling of Chemicals is a worldwide initiative to promote standard criteria for classifying chemicals according to their health, physical and environmental hazards. On May 25, 2012 OSHA adopted the GHS system. The GHS regulations are international regulations created by the United Nations for the Classification and Labeling of Hazardous Chemicals. It uses [pictograms](#), [hazard statements](#), and the [signal words](#) “Danger” and “Warning” to communicate hazard information on product labels and safety data sheets in a logical and comprehensive way. The primary goal of GHS is better protection of human health and the environment by providing chemical users and handlers with enhanced and consistent information on chemical hazards.

Products will be assessed for 16 physical and 12 health and environmental hazards. Each of these will have category levels. Many laboratory chemicals received on campus are now shipped with GHS -compliant safety data sheets and labels.

There are pictograms that will be associated with the different physical and health hazards, which appear in the table “HCS Pictograms & Hazard Classes.” Pictograms on labels alert users of the chemical hazards to which they may be exposed. Each pictogram consists of a symbol on a white background framed within a red border and represents a distinct hazard(s). The pictogram on the label is determined by the chemical hazard classification.



HCS Pictograms and Hazards

<p>Health Hazard</p>  <ul style="list-style-type: none"> • Carcinogen • Mutagenicity • Reproductive Toxicity • Respiratory Sensitizer • Target Organ Toxicity • Aspiration Toxicity 	<p>Flame</p>  <ul style="list-style-type: none"> • Flammables • Pyrophorics • Self-Heating • Emits Flammable Gas • Self-Reactives • Organic Peroxides 	<p>Exclamation Mark</p>  <ul style="list-style-type: none"> • Irritant (skin and eye) • Skin Sensitizer • Acute Toxicity (harmful) • Narcotic Effects • Respiratory Tract Irritant • Hazardous to Ozone Layer (Non-Mandatory)
<p>Gas Cylinder</p>  <ul style="list-style-type: none"> • Gases Under Pressure 	<p>Corrosion</p>  <ul style="list-style-type: none"> • Skin Corrosion/ Burns • Eye Damage • Corrosive to Metals 	<p>Exploding Bomb</p>  <ul style="list-style-type: none"> • Explosives • Self-Reactives • Organic Peroxides
<p>Flame Over Circle</p>  <ul style="list-style-type: none"> • Oxidizers 	<p>Environment (Non-Mandatory)</p>  <ul style="list-style-type: none"> • Aquatic Toxicity 	<p>Skull and Crossbones</p>  <ul style="list-style-type: none"> • Acute Toxicity (fatal or toxic)

Labeling requirements under GHS are very specific, as seen in the example label below called “SAMPLE LABEL” There are 6 label components.

- ✓ **Product identifier:** how the hazardous chemical is identified. This can be the chemical name, code number or batch number. The same product identifier must be both on the label and in Section 1 of the SDS.
- ✓ **Signal word:** used to indicate the relative level of severity of hazard and alert the reader to a potential hazard on the label. There are only two signal words, “Danger” and “Warning.” Within a specific hazard class, “Danger” is used for the more severe hazards and “Warning” is used for the less severe hazards. If one of the hazards warrants a “Danger” signal word and another warrants the signal word “Warning,” then only “Danger” should appear on the label.
- ✓ **Pictogram:** OSHA’s required pictograms must be in the shape of a square set at a point and include a black hazard symbol on a white background with a red frame sufficiently wide enough to be clearly visible. A square red frame set at a point without a hazard symbol is not a pictogram and is not permitted on the label. OSHA has designated eight pictograms under this standard for application to a hazard category, see page 6.
- ✓ **Hazard statement(s):** describe the nature of the hazard(s) of a chemical, including, where appropriate, the degree of hazard. For example: “Causes damage to kidneys through prolonged or repeated exposure when absorbed through the skin.” All of the applicable hazard statements must appear on the label. Hazard statements may be combined where appropriate to reduce redundancies and improve readability. The hazard statements are specific to the hazard classification categories, and chemical users should always see the same statement for the same hazards, no matter what the chemical is or who produces it.
- ✓ **Precautionary statement(s):** means a phrase that describes recommended measures that should be taken to minimize or prevent adverse effects resulting from exposure to a hazardous chemical or improper storage or handling.
- ✓ **Name, address and phone number of the chemical manufacturer, distributor, or importer**

SAMPLE LABEL

<p>CODE _____ Product Name _____</p> <p>Company Name _____ Street Address _____ City _____ State _____ Postal Code _____ Country _____ Emergency Phone Number _____</p>	} Product Identifier	<p style="text-align: center;">Hazard Pictograms</p> <div style="display: flex; justify-content: space-around;">   </div> <p style="text-align: center;">Signal Word Danger</p> <p style="text-align: center;">Highly flammable liquid and vapor. May cause liver and kidney damage. } Hazard Statements</p>
<p>Keep container tightly closed. Store in a cool, well-ventilated place that is locked. Keep away from heat/sparks/open flame. No smoking. Only use non-sparking tools. Use explosion-proof electrical equipment. Take precautionary measures against static discharge. Ground and bond container and receiving equipment. Do not breathe vapors. Wear protective gloves. Do not eat, drink or smoke when using this product. Wash hands thoroughly after handling. Dispose of in accordance with local, regional, national, international regulations as specified.</p> <p>In Case of Fire: use dry chemical (BC) or Carbon Dioxide (CO₂) fire extinguisher to extinguish.</p> <p>First Aid If exposed call Poison Center. If on skin (or hair): Take off immediately any contaminated clothing. Rinse skin with water.</p>	} Precautionary Statements	<p style="text-align: center;">Supplemental Information</p> <p>Directions for Use</p> <p>_____</p> <p>_____</p> <p>Fill weight: _____ Lot Number: _____ Gross weight: _____ Fill Date: _____ Expiration Date: _____</p>

OSHA 3492-02 2012

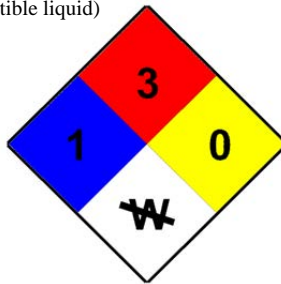
NFPA 704: The National Fire Protection Association (NFPA) has developed a color coded system called NFPA 704. The system uses a color coded diamond with four quadrants in which numbers are used in the upper three quadrants to signal the degree of health hazard (blue), fire hazard (red), and reactivity hazard (yellow). The bottom quadrant (white) is used to indicate water reactivity, radioactivity, biohazards, or other special hazards. The emergency hazards are signaled on a numerical scale of 0 to 4.

The NFPA diamond is used primarily by emergency response personnel and for emergency planning and as such does not adequately signal occupational hazards or precautionary information. The NFPA system is good for alerting personnel to the degree of hazard of the chemical and helpful in drawing attention to storage needs and emergency equipment needed.

NFPA Example: In this example there are severe flammable and water reactive hazards.

RED: Fire Hazard: Flash Points:
 4—Below 73 F (extremely flammable)
 3—Below 100 F (flammable liquid)
 2—Below 200 F (combustible liquid)
 1—Above 200 F
 0—will not burn

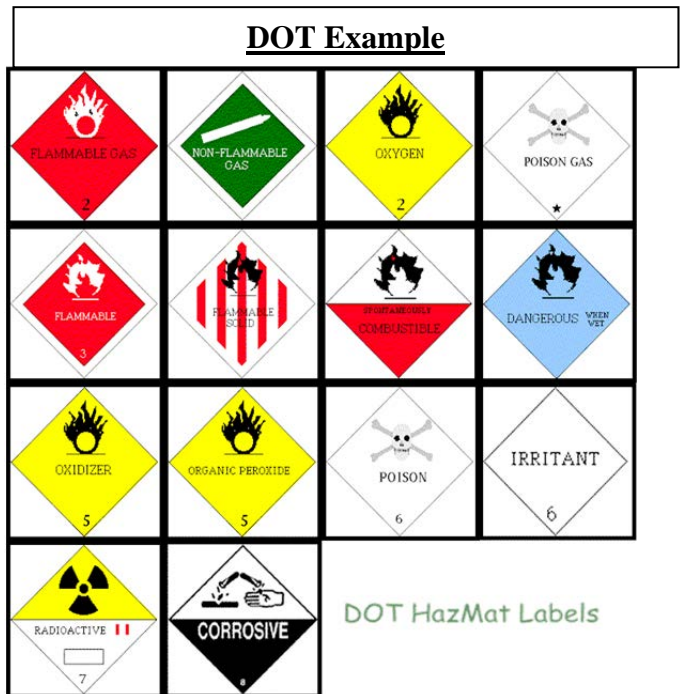
YELLOW: Reactivity Hazard
 4—May detonate
 3—Shock and heat may detonate
 2—Prone to violent chemical change
 1—Unstable if heated
 0—Stable



BLUE: Health Hazard
 4—Deadly
 3—Extremely Dangerous
 2—Hazardous
 1—Slightly hazardous
 0—Normal material

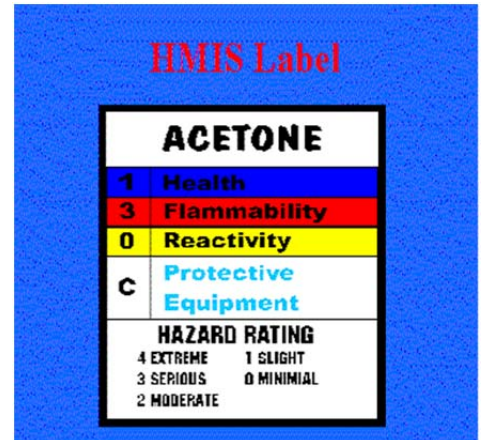
WHITE: Special Hazards
 OX—Oxidizer
 COR—Material has a pH >12.5 or <2.0
 W — Do not get the material wet
 ☸ — Radioactive

DOT: The Department of Transportation (DOT) hazard labeling system uses a color coded diamond in which there is a symbol and a term describing the major hazard of the material. DOT hazard classes include explosive, gases (flammable, nonflammable, corrosive, and poison), flammable liquids, flammable solids, oxidizers, poisons, radioactive materials, and corrosives. Most chemicals are rated by what the DOT considers to be the single major hazard, but many chemicals have subsidiary hazard categories as well. The DOT system is used for the transportation of hazardous materials.



HMIS Example

HMIS: The National Paint & Coatings Association (NPCA) Hazardous Materials Information System (HMIS) is one of the most popular systems for labeling hazardous chemicals. The system uses standard labels to communicate hazards through the use of colors, numbers, letters of the alphabet, and symbols. The HMIS is a five part rectangle that provides identification of the chemical, acute health hazard (blue), flammability (red), reactivity (yellow), personal protective equipment designations (alphabet), and chronic health hazard information. The chemical identity is conveyed by the chemical name and should be the same as the name on the MSDS. Chronic health hazards may be any abbreviated technique such as an asterisk communicated by placed on the label denoting reference to the specific Material Safety Data Sheet, or the actual chronic information may be written on the label if space allows (i.e. target organ).



5. Contractor Policy

- Contracted employees on campus who could be exposed to hazardous chemicals as a result of their work on campus must also be familiar with St. Lawrence University's Hazardous Communication Program and the necessary precautions to take while working on campus.
- **Persons Responsible for Supplying Information to Contractors:** The liaison between Facilities Operations and the contractor (Facilities Managers, Grounds Manager or Director of Fac/Op) will determine if contractors working on campus may be exposed to hazardous chemicals located on campus as a result of their work on campus.
- **Information:** Outside contractors working on campus will be provided with all necessary information concerning the potential hazards of the substances to which they may be exposed, and appropriate protective measures required to minimize exposure as well as emergency and hazardous waste removal procedures. For major projects, information will be disseminated during the start up meeting and will involve the Contractor, the St. Lawrence University Project Manager, the Director of Campus Safety, the Environmental Health and Safety Director, and the Chemical Hygiene Officer. For smaller projects, the information will be conveyed by whatever means the liaison deems appropriate.
 - All outside contractors will make available a list of hazardous chemicals and Material Safety Data Sheets for the hazardous chemicals that their employees bring on to the University's property.
 - No hazardous materials will be introduced into the workplace by vendors, sales people, frequenters, or employees without an MSDS presented to the appropriate department head or supervisor.
 - No particularly hazardous substances will be brought onto campus without prior approval from the chemical hygiene officer (see chemical hygiene plan).
- **Procedures for Documentation:** Contracts, meeting minutes, and other written documents will be used to verify that the contractor or representative received all necessary hazard communication information and that they understand St. Lawrence University's policies and procedures regarding hazardous chemicals.

6. Chemical Hazards and Safety

Hazardous chemicals include chemicals which present either physical hazards or health hazards. In many cases a chemical can present both types of hazards. The purpose of this section is to explain the nature of chemical hazards and how they are described on the material safety data sheets.

Physical Hazards of Chemicals: The physical hazards that chemicals may present include flammability and reactivity. Flammability is the tendency of the chemical to burn. Reactivity is the potential of the chemical to explode or react violently with air, water or other substances upon contact. Information about these properties of a chemical is available on the container's label and on the MSDS. This information is provided as flashpoints and ignition temperatures for flammability and as chemical incompatibilities and severity ratings for reactivity.

Before using any chemical you should review the MSDS or another appropriate source to be sure you are aware of the hazards of the chemical. Follow the directions for the use of that chemical carefully. Accidents with hazardous chemicals can happen quickly and can be quite severe. Prevention of such accidents requires that people are aware of the hazards of the chemicals they are using.

Health Hazards of Chemicals: The health effects of hazardous chemicals are often less clear than the physical hazards. Data on the health effects of chemical exposure, especially chronic exposure, is often incomplete. This section outlines the general nature of the health effects of chemicals so that you can better understand the information provided on the MSDS.

The health hazards that a chemical presents depend not only on the properties of the chemical, but on the manner in which the chemical is used, and the resulting exposure to the worker. With the proper handling, highly toxic chemicals can be used safely. On the other hand, chemicals which are not highly toxic can be extremely hazardous if not handled properly. Understanding what factors influence the health effects of chemicals will help you better protect yourself.

Toxic Effects of Chemical Exposure: Whether or not a chemical exposure will affect a person's health depends on many factors. The dose is the amount of a chemical which enters the body. The actual dose that a person receives depends on the concentration of the chemical as well as the frequency and duration of exposure.

In addition to the dose, the outcome of exposure is determined by: 1) the way the chemical enters the body, 2) the properties of the chemical, and 3) the susceptibility of the individual receiving the dose. Understanding these factors will help you know what precautions to take to protect yourself and others from chemicals you work with.

Routes of Entry: See the [Chemical Hygiene Plan](#) for detailed information on routes of entry, controlling chemical exposure and personal protective equipment (Chapters 7-9 and Appendix E and L).

Skin and Eye Contact (Absorption)

The simplest way for chemicals to enter your body is through direct contact with your skin or eyes. Many chemicals can penetrate your skin and enter your bloodstream. They can then have toxic effects on other parts of your body. Symptoms of skin exposure to chemicals are: dry, whitened skin; redness and swelling; rashes or blisters, and itching.

To prevent contact with chemicals, wear gloves and other protective clothing to minimize skin exposures which might be hazardous (Glove Selection Guide CHP Appendix L). Anytime you get a chemical on your skin you should rinse promptly and thoroughly using lots of water.

You should always be careful to protect your eyes, since chemical contact with the eyes is particularly dangerous. Eyes are more easily injured than skin and they provide an easier entrance to your body for chemicals. Chemicals in the eyes must be washed immediately – seconds count. Use the safety eyewash to flush eyes thoroughly and continuously for at least fifteen (15) minutes.

Respiratory Tract (Breathing/Inhalation)

Any airborne chemical can be absorbed into your body through your respiratory system. Factors that affect the absorption of gases and vapors in the lungs include the vapor pressure of the gas, the concentration of the gas in the inhaled air, and chemical properties of the gas. Symptoms of exposure to gases include headaches, increased mucus, and eye, nose and throat irritation.

Narcotic effects, including headache, confusion, dizziness, and collapse can result from exposure to some substances, including many common hydrocarbon solvents.

Should you experience these symptoms, immediately reduce your exposure by working under a hood, closing chemical containers, and opening windows or leaving the area. If your symptoms persist, get medical attention.

Olfactory fatigue is an important phenomenon for you to be aware of. At high concentrations of some gases or after long exposure to some substances (such as hydrogen sulfide), you may no longer be able to smell them. So, once you smell a strange odor, investigate its source, even if it seems to disappear.

Gastrointestinal Tract (Ingestion)

Your gastrointestinal tract is an important route of entry for chemicals because it gives them access to your bloodstream. Many toxicity ratings are expressed in terms of oral LD₅₀, which is the dose of the chemical which is required to kill half of the animal population which eats the chemical.

You have a great deal of control over preventing accidental ingestion of chemicals. Food, beverages, and cigarettes should never be brought into a work area or stored in refrigerators with chemicals. After working with chemicals always wash your hands thoroughly before drinking, smoking, eating or touching your face.

Injection

Another possible route of exposure to chemicals is through accidental injection. This too is an important route of entry because it provides direct access to your blood stream and thus no protection for your various organs from the effects of the chemicals. Injection of chemicals can occur through mishaps with hypodermic needles (especially when you are working with animals) or through accidents with pipettes, broken glassware, or other sharp objects which have been contaminated with chemicals. Cautious use of any sharp object is always important. Always dispose of sharps in the red ridged biohazard boxes (See Regulated Medical Waste Policy located on the EHS Web site for more information)

Toxic Properties of Chemicals

The effects of a chemical can be local or systemic. Local injuries involve the area of the body in contact with the chemical and are typically caused by reactive chemicals. Systemic injuries involve tissues and organs removed from the site of contact of the chemical and are a result of the chemical being carried through the body by the blood stream.

Toxicity is an indication of how severely the chemical affects the human body at a site removed from the site of contact. Toxic effects can be acute or chronic, depending on how the dose of the chemical is received. Acute toxicity results from a single short exposure, and its effects usually appear quickly and are reversible. Chronic toxicity results from repeated exposure over a long period of time. Its effects are usually delayed and irreversible.

Certain chemicals affect certain specific target organs. Examples of the target organ(s) of toxicity for certain chemicals include the brain, kidney, and red blood cells for lead, the immune system for isocyanates, and the liver and kidney for chloroform.

Susceptibility of Individuals

Factors influencing the susceptibility of particular individuals to the effects of hazardous chemicals include obesity, nutritional habits, physical condition, medical condition, drinking and smoking, and pregnancy. For any particular individual, all these factors must be considered in predicting the effects of a chemical on the individual.

An important phenomenon for some individuals is sensitization. Over a period of time daily exposure to some chemicals can lead to the development of an allergic rash or other reaction. Over time this can occur with further exposure to even small amounts of the chemical but goes away when exposure stops. This is called sensitization. Examples of sensitizers are: nickel salts, epoxy resins, isocyanates and formaldehyde.

Effects of Chemical Exposure on Human Reproduction

A developing fetus may be more sensitive to some chemicals than its pregnant mother, particularly during the first 12 weeks of pregnancy. Certain chemicals, called teratogens, are particularly likely to cause birth defects if the fetus is exposed to them. Proper handling of chemicals and use of protective equipment to reduce fetal exposure to chemicals is especially important.

Known human teratogens include: organic mercury compounds, lead compounds, ionizing radiation, some drugs, alcohol ingestion, and cigarette smoking. Some substances causing adverse reproductive effects in males include: 1,2-dibromo-3-chloropropane, cadmium, mercury, boron, lead, some pesticides, and some drugs. Chemicals are continually added to this list. For a list of known or suspected teratogens see Oxford University's Chemical and Safety Web Site <http://ptcl.chem.ox.ac.uk/MSDS/teratogens.html>.

Chemical Hazards Summary

The safe use of hazardous chemicals is a problem not only for laboratory and chemical workers, but for everyone. Estimating the health hazard posed by the use of a chemical is controversial and complex. It involves more than determining its toxicity. It also depends on the chemical's properties and the manner in which it is used. By learning about the potential hazards of the substances you use, and by practicing appropriate safety procedures for those substances, you can work in an informed and intelligent manner.

7. Training

All employees have the right to be trained in chemical use and safety for any chemical they use or might be exposed to on the job. Employees will be trained during initial assignment, annually or when new physical or health hazards are introduced.

There are three levels of training depending upon job requirements.

- a) **New Employee Orientation:** Awareness level training on chemical safety and material safety data sheets (MSDS's) will be provided to all new employees. This training will be provided by Human Resources as part of new employee orientation.
- b) **Hazard Communication Training:** Required for all employees who will work with hazardous chemicals (including work study students). This training will be provided by the Chemical Hygiene Officer, and will consist of an overview of the following:
 - OSHA's Hazard Communication Standard (HCS)
 - Review of the Hazard Communication Plan
 - Product labels and material safety data sheets
 - Physical and health hazardous of the chemicals in the work area
 - Methods and observations that may be used to detect the presence or release of a hazardous chemical (smell, visual observations)
 - Symptoms of exposure
 - Proper chemical handling practices
 - Measures employees can take to protect themselves from exposure to the hazards, including work practices, selection and use of personnel protective equipment (PPE) and emergency procedures.

Employees that are required to receive hazard communication training include:

- All Facilities Operations employees (management & hourly, full and part-time)

- All Dining & Conference Services employees (hourly and management, full and part-time)
- All Security (officers and management, full and part-time)
- All faculty and staff in these academic areas:

Biology	Psychology	Environmental
Chemistry	Studio Arts	Studies
Physics	Theater	
Geology		
- Technicians in Instructional Technology
- Librarian: anyone working on book/document restoration
- All Shipping, Receiving, and Mailroom employees
- Environmental Health and Safety
- Any other positions that require working with or near hazardous chemicals.

c) **Department Specific Training:** Training provided to chemical users by their SUPERVISOR that addresses the SPECIFIC hazards and control measures required to abate injury and/or illness for their employees' jobs. Training does not have to be formal and should be accomplished by whatever means are most appropriate for individual departments. Employees will be informed of the location of the MSDSs for the materials that they use, any labeling systems in effect, and departmentally developed procedures relating to their specific functions. Special training sessions will be conducted to cover non-routine tasks.

Appendix A

Instructions for reading a Safety Data Sheet – source: www.osha.gov

Appendix B

OSHA Quick Card – pictograms

Appendix C

OSHA Quick Card – labels

Appendix D

Hazard Communication Standard, 29 CFR 1910.1200

Document History

Date	Change	Person
1980's	Original	Security and Safety
2005 (Rev 1)	Updated Policy and removed information that is now part of the Chemical Hygiene Plan and the Waste Management plan.	Sue Cypert
11/7/05 (Rev 2)	Combined Right to Know with Chemical Right to Know and Hazard Communication Policies.	Sue Kenney
12/5/05 (Rev 3)	Reformatted, added table of content and Introduction section for brief overview of policy. Added employees requiring training.	Sue Kenney
5/28/08	Updated name of Chemical Hygiene Officer	Suna Stone-McMasters
12/16/2011	Added msdsonline.com address for retrieving MSDS collection. Combined introduction sections "purpose" and "policy on Hazard Communication" into one section entitled "Purpose". Added section 1.3 "Applicability". Updated "labeling" section to correspond with OSHA standard. Added training content required, and when training must be provided. Added section on Globally Harmonized System of Classification and Labelling of Chemicals (GHS)	Suna Stone-McMasters
11/26/2013	Removed info on ANSI labels. Added OSHA Quick Cards, SDS Guide and text of HazCom standard as appendices. Added information about new OSHA HazCom standard. Updated links to EHS documents. Updated GHS sample label and pictogram chart from OSHA quick cards.	Suna Stone-McMasters

OSHA[®] BRIEF

Hazard Communication Standard: Safety Data Sheets

The Hazard Communication Standard (HCS) (29 CFR 1910.1200(g)), revised in 2012, requires that the chemical manufacturer, distributor, or importer provide Safety Data Sheets (SDSs) (formerly MSDSs or Material Safety Data Sheets) for each hazardous chemical to downstream users to communicate information on these hazards. The information contained in the SDS is largely the same as the MSDS, except now the SDSs are required to be presented in a consistent user-friendly, 16-section format. This brief provides guidance to help workers who handle hazardous chemicals to become familiar with the format and understand the contents of the SDSs.

The SDS includes information such as the properties of each chemical; the physical, health, and environmental health hazards; protective measures; and safety precautions for handling, storing, and transporting the chemical. The information contained in the SDS must be in English (although it may be in other languages as well). In addition, OSHA requires that SDS preparers provide specific minimum information as detailed in Appendix D of 29 CFR 1910.1200. The SDS preparers may also include additional information in various section(s).

Sections 1 through 8 contain general information about the chemical, identification, hazards, composition, safe handling practices, and emergency control measures (e.g., fire fighting). This information should be helpful to those that need to get the information quickly. Sections 9 through 11 and 16 contain other technical and scientific information, such as physical and chemical properties, stability and reactivity information, toxicological information, exposure control information, and other information including the date of preparation or last revision. The SDS must also state that no applicable information was found when the preparer does not find relevant information for any required element.

The SDS must also contain Sections 12 through 15, to be consistent with the UN Globally Harmonized System of Classification and Labeling of Chemicals (GHS), but OSHA will not enforce the content of these sections because they concern matters handled by other agencies.

A description of all 16 sections of the SDS, along with their contents, is presented below:

Section 1: Identification

This section identifies the chemical on the SDS as well as the recommended uses. It also provides the essential contact information of the supplier. The required information consists of:

- Product identifier used on the label and any other common names or synonyms by which the substance is known.
- Name, address, phone number of the manufacturer, importer, or other responsible party, and emergency phone number.
- Recommended use of the chemical (e.g., a brief description of what it actually does, such as flame retardant) and any restrictions on use (including recommendations given by the supplier).

Section 2: Hazard(s) Identification

This section identifies the hazards of the chemical presented on the SDS and the appropriate warning information associated with those hazards. The required information consists of:

- The hazard classification of the chemical (e.g., flammable liquid, category¹).
- Signal word.
- Hazard statement(s).
- Pictograms (the pictograms or hazard symbols may be presented as graphical reproductions of the symbols in black and white or be a description of the name of the symbol (e.g., skull and crossbones, flame).
- Precautionary statement(s).
- Description of any hazards not otherwise classified.
- For a mixture that contains an ingredient(s) with unknown toxicity, a statement describing how much (percentage) of the mixture consists of ingredient(s) with unknown acute toxicity. Please note that this is a total percentage of the mixture and not tied to the individual ingredient(s).

Section 3: Composition/Information on Ingredients

This section identifies the ingredient(s) contained in the product indicated on the SDS, including impurities and stabilizing additives. This section includes information on substances, mixtures, and all chemicals where a trade secret is claimed. The required information consists of:

Substances

- Chemical name.
- Common name and synonyms.
- Chemical Abstracts Service (CAS) number and other unique identifiers.
- Impurities and stabilizing additives, which are themselves classified and which contribute to the classification of the chemical.

Mixtures

- Same information required for substances.
- The chemical name and concentration (i.e., exact percentage) of all ingredients which are classified as health hazards and are:
 - Present above their cut-off/concentration limits or
 - Present a health risk below the cut-off/concentration limits.
- The concentration (exact percentages) of each ingredient must be specified except concentration ranges may be used in the following situations:
 - A trade secret claim is made,
 - There is batch-to-batch variation, or
 - The SDS is used for a group of substantially similar mixtures.

Chemicals where a trade secret is claimed

- A statement that the specific chemical identity and/or exact percentage (concentration) of composition has been withheld as a trade secret is required.

¹Chemical, as defined in the HCS, is any substance, or mixture of substances.

Section 4: First-Aid Measures

This section describes the initial care that should be given by untrained responders to an individual who has been exposed to the chemical. The required information consists of:

- Necessary first-aid instructions by relevant routes of exposure (inhalation, skin and eye contact, and ingestion).
- Description of the most important symptoms or effects, and any symptoms that are acute or delayed.
- Recommendations for immediate medical care and special treatment needed, when necessary.

Section 5: Fire-Fighting Measures

This section provides recommendations for fighting a fire caused by the chemical. The required information consists of:

- Recommendations of suitable extinguishing equipment, and information about extinguishing equipment that is not appropriate for a particular situation.
- Advice on specific hazards that develop from the chemical during the fire, such as any hazardous combustion products created when the chemical burns.
- Recommendations on special protective equipment or precautions for firefighters.

Section 6: Accidental Release Measures

This section provides recommendations on the appropriate response to spills, leaks, or releases, including containment and cleanup practices to prevent or minimize exposure to people, properties, or the environment. It may also include recommendations distinguishing between responses for large and small spills where the spill volume has a significant impact on the hazard. The required information may consist of recommendations for:

- Use of personal precautions (such as removal of ignition sources or providing sufficient ventilation) and protective equipment to prevent the contamination of skin, eyes, and clothing.
- Emergency procedures, including instructions for evacuations, consulting experts when needed, and appropriate protective clothing.
- Methods and materials used for containment (e.g., covering the drains and capping procedures).
- Cleanup procedures (e.g., appropriate techniques for neutralization, decontamination, cleaning or vacuuming; adsorbent materials; and/or equipment required for containment/clean up).

Section 7: Handling and Storage

This section provides guidance on the safe handling practices and conditions for safe storage of chemicals. The required information consists of:

- Precautions for safe handling, including recommendations for handling incompatible chemicals, minimizing the release of the chemical into the environment, and providing advice on general hygiene practices (e.g., eating, drinking, and smoking in work areas is prohibited).
- Recommendations on the conditions for safe storage, including any incompatibilities. Provide advice on specific storage requirements (e.g., ventilation requirements).

Section 8: Exposure Controls/Personal Protection

This section indicates the exposure limits, engineering controls, and personal protective measures that can be used to minimize worker exposure. The required information consists of:

- OSHA Permissible Exposure Limits (PELs), American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values (TLVs), and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the safety data sheet, where available.
- Appropriate engineering controls (e.g., use local exhaust ventilation, or use only in an enclosed system).
- Recommendations for personal protective measures to prevent illness or injury from exposure to chemicals, such as personal protective equipment (PPE) (e.g., appropriate types of eye, face, skin or respiratory protection needed based on hazards and potential exposure).
- Any special requirements for PPE, protective clothing or respirators (e.g., type of glove material, such as PVC or nitrile rubber gloves; and breakthrough time of the glove material).

Section 9: Physical and Chemical Properties

This section identifies physical and chemical properties associated with the substance or mixture. The minimum required information consists of:

- Appearance (physical state, color, etc.);
- Odor;
- Odor threshold;
- pH;
- Melting point/freezing point;
- Initial boiling point and boiling range;
- Flash point;
- Evaporation rate;
- Flammability (solid, gas);
- Upper/lower flammability or explosive limits;
- Vapor pressure;
- Vapor density;
- Relative density;
- Solubility(ies);
- Partition coefficient: n-octanol/water;
- Auto-ignition temperature;
- Decomposition temperature; and
- Viscosity.

The SDS may not contain every item on the above list because information may not be relevant or is not available. When this occurs, a notation to that effect must be made for that chemical property. Manufacturers may also add other relevant properties, such as the dust deflagration index (Kst) for combustible dust, used to evaluate a dust's explosive potential.

Section 10: Stability and Reactivity

This section describes the reactivity hazards of the chemical and the chemical stability information. This section is broken into three parts: reactivity, chemical stability, and other. The required information consists of:

Reactivity

- Description of the specific test data for the chemical(s). This data can be for a class or family of the chemical if such data adequately represent the anticipated hazard of the chemical(s), where available.

Chemical stability

- Indication of whether the chemical is stable or unstable under normal ambient temperature and conditions while in storage and being handled.
- Description of any stabilizers that may be needed to maintain chemical stability.
- Indication of any safety issues that may arise should the product change in physical appearance.

Other

- Indication of the possibility of hazardous reactions, including a statement whether the chemical will react or polymerize, which could release excess pressure or heat, or create other hazardous conditions. Also, a description of the conditions under which hazardous reactions may occur.
- List of all conditions that should be avoided (e.g., static discharge, shock, vibrations, or environmental conditions that may lead to hazardous conditions).
- List of all classes of incompatible materials (e.g., classes of chemicals or specific substances) with which the chemical could react to produce a hazardous situation.
- List of any known or anticipated hazardous decomposition products that could be produced because of use, storage, or heating. (Hazardous combustion products should also be included in Section 5 (Fire-Fighting Measures) of the SDS.)

Section 11: Toxicological Information

This section identifies toxicological and health effects information or indicates that such data are not available. The required information consists of:

- Information on the likely routes of exposure (inhalation, ingestion, skin and eye contact). The SDS should indicate if the information is unknown.
- Description of the delayed, immediate, or chronic effects from short- and long-term exposure.
- The numerical measures of toxicity (e.g., acute toxicity estimates such as the LD50 (median lethal dose)) - the estimated amount [of a substance] expected to kill 50% of test animals in a single dose.
- Description of the symptoms. This description includes the symptoms associated with exposure to the chemical including symptoms from the lowest to the most severe exposure.
- Indication of whether the chemical is listed in the National Toxicology Program (NTP) Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions) or found to be a potential carcinogen by OSHA.

Section 12: Ecological Information (non-mandatory)

This section provides information to evaluate the environmental impact of the chemical(s) if it were released to the environment. The information may include:

- Data from toxicity tests performed on aquatic and/or terrestrial organisms, where available (e.g., acute or chronic aquatic toxicity data for fish, algae, crustaceans, and other plants; toxicity data on birds, bees, plants).
- Whether there is a potential for the chemical to persist and degrade in the environment either through biodegradation or other processes, such as oxidation or hydrolysis.
- Results of tests of bioaccumulation potential, making reference to the octanol-water partition coefficient (K_{ow}) and the bioconcentration factor (BCF), where available.
- The potential for a substance to move from the soil to the groundwater (indicate results from adsorption studies or leaching studies).
- Other adverse effects (e.g., environmental fate, ozone layer depletion potential, photochemical ozone creation potential, endocrine disrupting potential, and/or global warming potential).

Section 13: Disposal Considerations (non-mandatory)

This section provides guidance on proper disposal practices, recycling or reclamation of the chemical(s) or its container, and safe handling practices. To minimize exposure, this section should also refer the reader to Section 8 (Exposure Controls/Personal Protection) of the SDS. The information may include:

- Description of appropriate disposal containers to use.
- Recommendations of appropriate disposal methods to employ.
- Description of the physical and chemical properties that may affect disposal activities.
- Language discouraging sewage disposal.
- Any special precautions for landfills or incineration activities.

Section 14: Transport Information (non-mandatory)

This section provides guidance on classification information for shipping and transporting of hazardous chemical(s) by road, air, rail, or sea. The information may include:

- UN number (i.e., four-figure identification number of the substance)².
- UN proper shipping name².
- Transport hazard class(es)².
- Packing group number, if applicable, based on the degree of hazard².
- Environmental hazards (e.g., identify if it is a marine pollutant according to the International Maritime Dangerous Goods Code (IMDG Code)).
- Guidance on transport in bulk (according to Annex II of MARPOL 73/78³ and the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (International Bulk Chemical Code (IBC Code))).
- Any special precautions which an employee should be aware of or needs to comply with, in connection with transport or conveyance either within or outside their premises (indicate when information is not available).

² Found in the most recent edition of the United Nations Recommendations on the Transport of Dangerous Goods.

³ MARPOL 73/78 means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended.

Section 15: Regulatory Information (non-mandatory)

This section identifies the safety, health, and environmental regulations specific for the product that is not indicated anywhere else on the SDS. The information may include:

- Any national and/or regional regulatory information of the chemical or mixtures (including any OSHA, Department of Transportation, Environmental Protection Agency, or Consumer Product Safety Commission regulations).

Section 16: Other Information

This section indicates when the SDS was prepared or when the last known revision was made. The SDS may also state where the changes have been made to the previous version. You may wish to contact the supplier for an explanation of the changes. Other useful information also may be included here.

Employer Responsibilities

Employers must ensure that the SDSs are readily accessible to employees for all hazardous chemicals in their workplace. This may be done in many ways. For example, employers may keep the SDSs in a binder or on computers as long as the employees have immediate access to the information without leaving their work area when needed and a back-up is available for rapid access to the SDS in the case of a power outage or other emergency. Furthermore, employers may want to designate a person(s) responsible for obtaining and maintaining the SDSs. If the employer does not have an SDS, the employer or designated person(s) should contact the manufacturer to obtain one.

References

OSHA, 29 CFR 1910.1200(g) and Appendix D.

United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS), third revised edition, United Nations, 2009.

These references and other information related to the revised Hazard Communication

Standard can be found on OSHA's Hazard Communication Safety and Health Topics page, located at:
<http://www.osha.gov/dsg/hazcom/index.html>.

Disclaimer: This brief provides a general overview of the safety data sheet requirements in the Hazard Communication Standard (see 29 CFR 1910.1200(g) and Appendix D of 29 CFR 1910.1200). It does not alter or determine compliance responsibilities in the standard or the Occupational Safety and Health Act of 1970. Since interpretations and enforcement policy may change over time, the reader should consult current OSHA interpretations and decisions by the Occupational Safety and Health Review Commission and the courts for additional guidance on OSHA compliance requirements. Please note that states with OSHA-approved state plans may have additional requirements for chemical safety data sheets, outside of those outlined above. For more information on those standards, please visit:
<http://www.osha.gov/dcsp/osp/statestandards.html>.










This is one in a series of informational briefs highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.



Hazard Communication Standard Pictogram

As of June 1, 2015, the Hazard Communication Standard (HCS) will require pictograms on labels to alert users of the chemical hazards to which they may be exposed. Each pictogram consists of a symbol on a white background framed within a red border and represents a distinct hazard(s). The pictogram on the label is determined by the chemical hazard classification.

HCS Pictograms and Hazards

<p>Health Hazard</p>  <ul style="list-style-type: none"> • Carcinogen • Mutagenicity • Reproductive Toxicity • Respiratory Sensitizer • Target Organ Toxicity • Aspiration Toxicity 	<p>Flame</p>  <ul style="list-style-type: none"> • Flammables • Pyrophorics • Self-Heating • Emits Flammable Gas • Self-Reactives • Organic Peroxides 	<p>Exclamation Mark</p>  <ul style="list-style-type: none"> • Irritant (skin and eye) • Skin Sensitizer • Acute Toxicity (harmful) • Narcotic Effects • Respiratory Tract Irritant • Hazardous to Ozone Layer (Non-Mandatory)
<p>Gas Cylinder</p>  <ul style="list-style-type: none"> • Gases Under Pressure 	<p>Corrosion</p>  <ul style="list-style-type: none"> • Skin Corrosion/ Burns • Eye Damage • Corrosive to Metals 	<p>Exploding Bomb</p>  <ul style="list-style-type: none"> • Explosives • Self-Reactives • Organic Peroxides
<p>Flame Over Circle</p>  <ul style="list-style-type: none"> • Oxidizers 	<p>Environment (Non-Mandatory)</p>  <ul style="list-style-type: none"> • Aquatic Toxicity 	<p>Skull and Crossbones</p>  <ul style="list-style-type: none"> • Acute Toxicity (fatal or toxic)

For more information:



U.S. Department of Labor

www.osha.gov (800) 321-OSHA (6742)



Hazard Communication Standard Labels

OSHA has updated the requirements for labeling of hazardous chemicals under its Hazard Communication Standard (HCS). As of June 1, 2015, all labels will be required to have pictograms, a signal word, hazard and precautionary statements, the product identifier, and supplier identification. A sample revised HCS label, identifying the required label elements, is shown on the right. Supplemental information can also be provided on the label as needed.

For more information:





(800) 321-OSHA (6742)
www.osha.gov

SAMPLE LABEL

CODE _____ } **Product Identifier**
Product Name _____ }

Company Name _____ } **Supplier Identification**
Street Address _____ }
City _____ **State** _____ }
Postal Code _____ **Country** _____ }
Emergency Phone Number _____ }

Hazard Pictograms

Signal Word
Danger

Highly flammable liquid and vapor. } **Hazard Statements**
May cause liver and kidney damage. }

Precautionary Statements

Keep container tightly closed. Store in a cool, well-ventilated place that is locked.
 Keep away from heat/sparks/open flame. No smoking.
 Only use non-sparking tools.
 Use explosion-proof electrical equipment.
 Take precautionary measures against static discharge.
 Ground and bond container and receiving equipment.
 Do not breathe vapors.
 Wear protective gloves.
 Do not eat, drink or smoke when using this product.
 Wash hands thoroughly after handling.
 Dispose of in accordance with local, regional, national, international regulations as specified.

In Case of Fire: use dry chemical (BC) or Carbon Dioxide (CO₂) fire extinguisher to extinguish.

First Aid
 If exposed call Poison Center.
 If on skin (or hair): Take off immediately any contaminated clothing. Rinse skin with water.

Supplemental Information

Directions for Use

Fill weight: _____ Lot Number: _____
 Gross weight: _____ Fill Date: _____
 Expiration Date: _____

(a) Purpose.

(a)(1) The purpose of this section is to ensure that the hazards of all chemicals produced or imported are classified, and that information concerning the classified hazards is transmitted to employers and employees. The requirements of this section are intended to be consistent with the provisions of the United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS), Revision 3. The transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, safety data sheets and employee training.

(a)(2) This occupational safety and health standard is intended to address comprehensively the issue of classifying the potential hazards of chemicals, and communicating information concerning hazards and appropriate protective measures to employees, and to preempt any legislative or regulatory enactments of a state, or political subdivision of a state, pertaining to this subject. Classifying the potential hazards of chemicals and communicating information concerning hazards and appropriate protective measures to employees, may include, for example, but is not limited to, provisions for: developing and maintaining a written hazard communication program for the workplace, including lists of hazardous chemicals present; labeling of containers of chemicals in the workplace, as well as of containers of chemicals being shipped to other workplaces; preparation and distribution of safety data sheets to employees and downstream employers; and development and implementation of employee training programs regarding hazards of chemicals and protective measures. Under section 18 of the Act, no state or political subdivision of a state may adopt or enforce any requirement relating to

the issue addressed by this Federal standard, except pursuant to a Federally-approved state plan.

(b) Scope and application.

(b)(1) This section requires chemical manufacturers or importers to classify the hazards of chemicals which they produce or import, and all employers to provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program, labels and other forms of warning, safety data sheets, and information and training. In addition, this section requires distributors to transmit the required information to employers. (Employers who do not produce or import chemicals need only focus on those parts of this rule that deal with establishing a workplace program and communicating information to their workers.)

(b)(2) This section applies to any chemical 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 foreseeable emergency.

(b)(3) This section applies to laboratories only as follows:

(i) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

(ii) Employers shall maintain any safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible during each workshift to laboratory employees when they are in their work areas;

(iii) Employers shall ensure that laboratory employees are provided information and training in accordance with paragraph (h) of this section, except for the location and

availability of the written hazard communication program under paragraph (h)(2)(iii) of this section; and,

(iv) Laboratory employers that ship hazardous chemicals are considered to be either a chemical manufacturer or a distributor under this rule, and thus must ensure that any containers of hazardous chemicals leaving the laboratory are labeled in accordance with paragraph (f) of this section, and that a safety data sheet is provided to distributors and other employers in accordance with paragraphs (g)(6) and (g)(7) of this section.

(b)(4) In work operations where employees only handle chemicals in sealed containers which are not opened under normal conditions of use (such as are found in marine cargo handling, warehousing, or retail sales), this section applies to these operations only as follows:

(i) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

(ii) Employers shall maintain copies of any safety data sheets that are received with incoming shipments of the sealed containers of hazardous chemicals, shall obtain a safety data sheet as soon as possible for sealed containers of hazardous chemicals received without a safety data sheet if an employee requests the safety data sheet, and shall ensure that the safety data sheets are readily accessible during each work shift to employees when they are in their work area(s); and,

(iii) Employers shall ensure that employees are provided with information and training in accordance with paragraph (h) of this section (except for the location and availability of the written hazard communication program under paragraph (h)(2)(iii) of

this section), to the extent necessary to protect them in the event of a spill or leak of a hazardous chemical from a sealed container.

(b)(5) This section does not require labeling of the following chemicals:

(i) Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Environmental Protection Agency;

(ii) Any chemical substance or mixture as such terms are defined in the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Environmental Protection Agency;

(iii) Any food, food additive, color additive, drug, cosmetic, or medical or veterinary device or product, including materials intended for use as ingredients in such products (e.g. flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Virus-Serum-Toxin Act of 1913 (21 U.S.C. 151 et seq.), and regulations issued under those Acts, when they are subject to the labeling requirements under those Acts by either the Food and Drug Administration or the Department of Agriculture;

(iv) Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that Act, when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Bureau of Alcohol, Tobacco, Firearms and Explosives;

(v) Any consumer product or hazardous substance as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, when subject to a consumer product safety standard or labeling requirement of those Acts, or regulations issued under those Acts by the Consumer Product Safety Commission; and,

(vi) Agricultural or vegetable seed treated with pesticides and labeled in accordance with the Federal Seed Act (7 U.S.C. 1551 et seq.) and the labeling regulations issued under that Act by the Department of Agriculture.

(b)(6) This section does not apply to:

(i) Any hazardous waste as such term is defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that Act by the Environmental Protection Agency;

(ii) Any hazardous substance as such term is defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.) when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with Environmental Protection Agency regulations.

(iii) Tobacco or tobacco products;

(iv) Wood or wood products, including lumber which will not be processed, where the chemical manufacturer or importer can establish that the only hazard they pose to employees is the potential for flammability or combustibility (wood or wood products

which have been treated with a hazardous chemical covered by this standard, and wood which may be subsequently sawed or cut, generating dust, are not exempted);

(v) Articles (as that term is defined in paragraph (c) of this section);

(vi) Food or alcoholic beverages which are sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, or drinking place), and foods intended for personal consumption by employees while in the workplace;

(vii) Any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (e.g., tablets or pills); drugs which are packaged by the chemical manufacturer for sale to consumers in a retail establishment (e.g., over-the-counter drugs); and drugs intended for personal consumption by employees while in the workplace (e.g., first aid supplies);

(viii) Cosmetics which are packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by employees while in the workplace;

(ix) Any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, where the employer can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure which is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended;

(x) Nuisance particulates where the chemical manufacturer or importer can establish that they do not pose any physical or health hazard covered under this section;

(xi) Ionizing and nonionizing radiation; and,

(xii) Biological hazards.

(c) Definitions.

"Article" means a manufactured item other than a fluid or particle: (i) which is formed to a specific shape or design during manufacture; (ii) which has end use function(s) dependent in whole or in part upon its shape or design during end use; and (iii) which under normal conditions of use does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under paragraph (d) of this section), and does not pose a physical hazard or health risk to employees.

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

"Chemical" means any substance, or mixture of substances.

"Chemical manufacturer" means an employer with a workplace where chemical(s) are produced for use or distribution.

"Chemical name" means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name that will clearly identify the chemical for the purpose of conducting a hazard classification.

“Classification” means to identify the relevant data regarding the hazards of a chemical; review those data to ascertain the hazards associated with the chemical; and decide whether the chemical will be classified as hazardous according to the definition of hazardous chemical in this section. In addition, classification for health and physical hazards includes the determination of the degree of hazard, where appropriate, by comparing the data with the criteria for health and physical hazards.

"Commercial account" means an arrangement whereby a retail distributor sells hazardous chemicals to an employer, generally in large quantities over time and/or at costs that are below the regular retail price.

"Common name" means any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

"Container" means any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this section, pipes or piping systems, and engines, fuel tanks, or other operating systems in a vehicle, are not considered to be containers.

"Designated representative" means any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

"Director" means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or designee.

"Distributor" means a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to employers.

"Employee" means a worker who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies. Workers such as office workers or bank tellers who encounter hazardous chemicals only in non-routine, isolated instances are not covered.

"Employer" means a person engaged in a business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor.

"Exposure or exposed" means that an employee is subjected in the course of employment to a chemical that is a physical or health hazard, and includes potential (e.g. accidental or possible) exposure. "Subjected" in terms of health hazards includes any route of entry (e.g. inhalation, ingestion, skin contact or absorption.)

"Foreseeable emergency" means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

"Hazard category" means the division of criteria within each hazard class, e.g., oral acute toxicity and flammable liquids include four hazard categories. These categories compare hazard severity within a hazard class and should not be taken as a comparison of hazard categories more generally.

"Hazard class" means the nature of the physical or health hazards, e.g., flammable solid, carcinogen, oral acute toxicity.

“Hazard not otherwise classified (HNOC)” means an adverse physical or health effect identified through evaluation of scientific evidence during the classification process that does not meet the specified criteria for the physical and health hazard classes addressed in this section. This does not extend coverage to adverse physical and health effects for which there is a hazard class addressed in this section, but the effect either falls below the cut-off value/concentration limit of the hazard class or is under a GHS hazard category that has not been adopted by OSHA (e.g., acute toxicity Category 5).

“Hazard statement” means a statement assigned to a hazard class and category that describes the nature of the hazard(s) of a chemical, including, where appropriate, the degree of hazard.

"Hazardous chemical" means any chemical which is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

"Health hazard" means a chemical which is classified as posing one of the following hazardous effects: acute toxicity (any route of exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); or aspiration hazard. The criteria for determining whether a chemical is classified as a health hazard are detailed in Appendix A to §1910.1200 -- Health Hazard Criteria.

"Immediate use" means that the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

"Importer" means the first business with employees within the Customs Territory of the United States which receives hazardous chemicals produced in other countries for the purpose of supplying them to distributors or employers within the United States.

"Label" means an appropriate group of written, printed or graphic information elements concerning a hazardous chemical that is affixed to, printed on, or attached to the immediate container of a hazardous chemical, or to the outside packaging.

"Label elements" means the specified pictogram, hazard statement, signal word and precautionary statement for each hazard class and category.

"Mixture" means a combination or a solution composed of two or more substances in which they do not react.

"Physical hazard" means a chemical that is classified as posing one of the following hazardous effects: explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid or gas); self-reactive; pyrophoric (liquid or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; or in contact with water emits flammable gas. See Appendix B to §1910.1200 -- Physical Hazard Criteria.

"Pictogram" means a composition that may include a symbol plus other graphic elements, such as a border, background pattern, or color, that is intended to convey specific information about the hazards of a chemical. Eight pictograms are designated under this standard for application to a hazard category.

"Precautionary statement" means a phrase that describes recommended measures that should be taken to minimize or prevent adverse effects resulting from exposure to a hazardous chemical, or improper storage or handling.

"Product identifier" means the name or number used for a hazardous chemical on a label or in the SDS. It provides a unique means by which the user can identify the chemical. The product identifier used shall permit cross-references to be made among the list of hazardous chemicals required in the written hazard communication program, the label and the SDS.

"Produce" means to manufacture, process, formulate, blend, extract, generate, emit, or repackage.

"Pyrophoric gas" means a chemical in a gaseous state that will ignite spontaneously in air at a temperature of 130 degrees F (54.4 degrees C) or below.

"Responsible party" means someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

"Safety data sheet (SDS)" means written or printed material concerning a hazardous chemical that is prepared in accordance with paragraph (g) of this section.

"Signal word" means a word used to indicate the relative level of severity of hazard and alert the reader to a potential hazard on the label. The signal words used in this section are "danger" and "warning." "Danger" is used for the more severe hazards, while "warning" is used for the less severe.

"Simple asphyxiant" means a substance or mixture that displaces oxygen in the ambient atmosphere, and can thus cause oxygen deprivation in those who are exposed, leading to unconsciousness and death.

"Specific chemical identity" means the chemical name, Chemical Abstracts Service (CAS) Registry Number, or any other information that reveals the precise chemical designation of the substance.

“Substance” means chemical elements and their compounds in the natural state or obtained by any production process, including any additive necessary to preserve the stability of the product and any impurities deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.

"Trade secret" means any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. Appendix E to §1910.1200—Definition of Trade Secret, sets out the criteria to be used in evaluating trade secrets.

"Use" means to package, handle, react, emit, extract, generate as a byproduct, or transfer.

"Work area" means a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

"Workplace" means an establishment, job site, or project, at one geographical location containing one or more work areas.

(d) Hazard classification.

(d)(1) Chemical manufacturers and importers shall evaluate chemicals produced in their workplaces or imported by them to classify the chemicals in accordance with this

section. For each chemical, the chemical manufacturer or importer shall determine the hazard classes, and where appropriate, the category of each class that apply to the chemical being classified. Employers are not required to classify chemicals unless they choose not to rely on the classification performed by the chemical manufacturer or importer for the chemical to satisfy this requirement.

(d)(2) Chemical manufacturers, importers or employers classifying chemicals shall identify and consider the full range of available scientific literature and other evidence concerning the potential hazards. There is no requirement to test the chemical to determine how to classify its hazards. Appendix A to §1910.1200 shall be consulted for classification of health hazards, and Appendix B to §1910.1200 shall be consulted for the classification of physical hazards.

(d)(3) Mixtures.

(i) Chemical manufacturers, importers, or employers evaluating chemicals shall follow the procedures described in Appendices A and B to §1910.1200 to classify the hazards of the chemicals, including determinations regarding when mixtures of the classified chemicals are covered by this section.

(ii) When classifying mixtures they produce or import, chemical manufacturers and importers of mixtures may rely on the information provided on the current safety data sheets of the individual ingredients except where the chemical manufacturer or importer knows, or in the exercise of reasonable diligence should know, that the safety data sheet misstates or omits information required by this section.

(e) Written hazard communication program.

(e)(1) Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

(i) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and,

(ii) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

(e)(2) "Multi-employer workplaces." Employers who produce, use, or store hazardous chemicals at a workplace in such a way that the employees of other employer(s) may be exposed (for example, employees of a construction contractor working on-site) shall additionally ensure that the hazard communication programs developed and implemented under this paragraph (e) include the following:

(i) The methods the employer will use to provide the other employer(s) on-site access to safety data sheets for each hazardous chemical the other employer(s)' employees may be exposed to while working;

(ii) The methods the employer will use to inform the other employer(s) of any precautionary measures that need to be taken to protect employees during the workplace's normal operating conditions and in foreseeable emergencies; and,

(iii) The methods the employer will use to inform the other employer(s) of the labeling system used in the workplace.

(e)(3) The employer may rely on an existing hazard communication program to comply with these requirements, provided that it meets the criteria established in this paragraph (e).

(e)(4) The employer shall make the written hazard communication program available, upon request, to employees, their designated representatives, the Assistant Secretary and the Director, in accordance with the requirements of 29 CFR 1910.1020 (e).

(e)(5) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the written hazard communication program may be kept at the primary workplace facility.

(f) Labels and other forms of warning.

(f)(1) Labels on shipped containers. The chemical manufacturer, importer, or distributor shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged or marked. Hazards not otherwise classified do not have to be addressed on the container. Where the chemical manufacturer or importer is required to label, tag or mark the following shall be provided:

- (i) Product identifier;
- (ii) Signal word;
- (iii) Hazard statement(s);
- (iv) Pictogram(s);

(v) Precautionary statement(s); and,

(vi) Name, address, and telephone number of the chemical manufacturer, importer, or other responsible party.

(f)(2) The chemical manufacturer, importer, or distributor shall ensure that the information provided under paragraphs (f)(1)(i) through (v) of this section is in accordance with Appendix C, Allocation of Label Elements, for each hazard class and associated hazard category for the hazardous chemical, prominently displayed, and in English (other languages may also be included if appropriate).

(f)(3) The chemical manufacturer, importer, or distributor shall ensure that the information provided under paragraphs (f)(1)(ii) through (iv) of this section is located together on the label, tag, or mark.

(f)(4) Solid materials

(i) For solid metal (such as a steel beam or a metal casting), solid wood, or plastic items that are not exempted as articles due to their downstream use, or shipments of whole grain, the required label may be transmitted to the customer at the time of the initial shipment, and need not be included with subsequent shipments to the same employer unless the information on the label changes;

(ii) The label may be transmitted with the initial shipment itself, or with the safety data sheet that is to be provided prior to or at the time of the first shipment; and,

(iii) This exception to requiring labels on every container of hazardous chemicals is only for the solid material itself, and does not apply to hazardous chemicals used in conjunction with, or known to be present with, the material and to which employees

handling the items in transit may be exposed (for example, cutting fluids or pesticides in grains).

(f)(5) Chemical manufacturers, importers, or distributors shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked in accordance with this section in a manner which does not conflict with the requirements of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) and regulations issued under that Act by the Department of Transportation.

(f)(6) Workplace labeling. Except as provided in paragraphs (f)(7) and (f)(8) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with either:

(i) The information specified under paragraphs (f)(1)(i) through (v) of this section for labels on shipped containers; or,

(ii) Product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.

(f)(7) The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers to which it is applicable and conveys the information required by paragraph (f)(6) of this section to be on a label. The employer shall ensure the written materials are readily accessible to the employees in their work area throughout each work shift.

(f)(8) The employer is not required to label portable containers into which hazardous chemicals are transferred from labeled containers, and which are intended only for the immediate use of the employee who performs the transfer. For purposes of this section, drugs which are dispensed by a pharmacy to a health care provider for direct administration to a patient are exempted from labeling.

(f)(9) The employer shall not remove or deface existing labels on incoming containers of hazardous chemicals, unless the container is immediately marked with the required information.

(f)(10) The employer shall ensure that workplace labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift. Employers having employees who speak other languages may add the information in their language to the material presented, as long as the information is presented in English as well.

(f)(11) Chemical manufacturers, importers, distributors, or employers who become newly aware of any significant information regarding the hazards of a chemical shall revise the labels for the chemical within six months of becoming aware of the new information, and shall ensure that labels on containers of hazardous chemicals shipped after that time contain the new information. If the chemical is not currently produced or imported, the chemical manufacturer, importer, distributor, or employer shall add the information to the label before the chemical is shipped or introduced into the workplace again.

(g) Safety data sheets.

(g)(1) Chemical manufacturers and importers shall obtain or develop a safety data sheet for each hazardous chemical they produce or import. Employers shall have a safety data sheet in the workplace for each hazardous chemical which they use.

(g)(2) The chemical manufacturer or importer preparing the safety data sheet shall ensure that it is in English (although the employer may maintain copies in other languages as well), and includes at least the following section numbers and headings, and associated information under each heading, in the order listed (See Appendix D to §1910.1200--Safety Data Sheets, for the specific content of each section of the safety data sheet):

- (i) Section 1, Identification;
- (ii) Section 2, Hazard(s) identification;
- (iii) Section 3, Composition/information on ingredients;
- (iv) Section 4, First-aid measures;
- (v) Section 5, Fire-fighting measures;
- (vi) Section 6, Accidental release measures;
- (vii) Section 7, Handling and storage;
- (viii) Section 8, Exposure controls/personal protection;
- (ix) Section 9, Physical and chemical properties;
- (x) Section 10, Stability and reactivity;
- (xi) Section 11, Toxicological information.
- (xii) Section 12, Ecological information;

(xiii) Section 13, Disposal considerations;

(xiv) Section 14, Transport information;

(xv) Section 15, Regulatory information; and

(xvi) Section 16, Other information, including date of preparation or last revision.

Note 1 to paragraph (g)(2): To be consistent with the GHS, an SDS must also include the headings in paragraphs (g)(2)(xii) through (g)(2)(xv) in order.

Note 2 to paragraph (g)(2): OSHA will not be enforcing information requirements in sections 12 through 15, as these areas are not under its jurisdiction.

(g)(3) If no relevant information is found for any sub-heading within a section on the safety data sheet, the chemical manufacturer, importer or employer preparing the safety data sheet shall mark it to indicate that no applicable information was found.

(g)(4) Where complex mixtures have similar hazards and contents (i.e. the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the chemical manufacturer, importer or employer may prepare one safety data sheet to apply to all of these similar mixtures.

(g)(5) The chemical manufacturer, importer or employer preparing the safety data sheet shall ensure that the information provided accurately reflects the scientific evidence used in making the hazard classification. If the chemical manufacturer, importer or employer preparing the safety data sheet becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information shall be added to the safety data sheet within three months. If the chemical is not currently being produced or imported the chemical manufacturer or

importer shall add the information to the safety data sheet before the chemical is introduced into the workplace again.

(g)(6)(i) Chemical manufacturers or importers shall ensure that distributors and employers are provided an appropriate safety data sheet with their initial shipment, and with the first shipment after a safety data sheet is updated;

(ii) The chemical manufacturer or importer shall either provide safety data sheets with the shipped containers or send them to the distributor or employer prior to or at the time of the shipment;

(iii) If the safety data sheet is not provided with a shipment that has been labeled as a hazardous chemical, the distributor or employer shall obtain one from the chemical manufacturer or importer as soon as possible; and,

(iv) The chemical manufacturer or importer shall also provide distributors or employers with a safety data sheet upon request.

(g)(7)(i) Distributors shall ensure that safety data sheets, and updated information, are provided to other distributors and employers with their initial shipment and with the first shipment after a safety data sheet is updated;

(ii) The distributor shall either provide safety data sheets with the shipped containers, or send them to the other distributor or employer prior to or at the time of the shipment;

(iii) Retail distributors selling hazardous chemicals to employers having a commercial account shall provide a safety data sheet to such employers upon request, and shall post a sign or otherwise inform them that a safety data sheet is available;

(iv) Wholesale distributors selling hazardous chemicals to employers over-the-counter may also provide safety data sheets upon the request of the employer at the time of the over-the-counter purchase, and shall post a sign or otherwise inform such employers that a safety data sheet is available;

(v) If an employer without a commercial account purchases a hazardous chemical from a retail distributor not required to have safety data sheets on file (i.e., the retail distributor does not have commercial accounts and does not use the materials), the retail distributor shall provide the employer, upon request, with the name, address, and telephone number of the chemical manufacturer, importer, or distributor from which a safety data sheet can be obtained;

(vi) Wholesale distributors shall also provide safety data sheets to employers or other distributors upon request; and,

(vii) Chemical manufacturers, importers, and distributors need not provide safety data sheets to retail distributors that have informed them that the retail distributor does not sell the product to commercial accounts or open the sealed container to use it in their own workplaces.

(g)(8) The employer shall maintain in the workplace copies of the required safety data sheets for each hazardous chemical, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s). (Electronic access and other alternatives to maintaining paper copies of the safety data sheets are permitted as long as no barriers to immediate employee access in each workplace are created by such options.)

(g)(9) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the safety data sheets may be kept at the primary workplace facility. In this situation, the employer shall ensure that employees can immediately obtain the required information in an emergency.

(g)(10) Safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the required information is provided for each hazardous chemical, and is readily accessible during each work shift to employees when they are in their work area(s).

(g)(11) Safety data sheets shall also be made readily available, upon request, to designated representatives, the Assistant Secretary, and the Director, in accordance with the requirements of 29 CFR 1910.1020(e).

(h) Employee information and training.

(h)(1) Employers shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area. Information and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals. Chemical-specific information must always be available through labels and safety data sheets.

(h)(2) Information. Employees shall be informed of:

(i) The requirements of this section;

(ii) Any operations in their work area where hazardous chemicals are present;

and,

(iii) The location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals, and safety data sheets required by this section.

(h)(3) Training. Employee training shall include at least:

(i) Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.);

(ii) The physical, health, simple asphyxiation, combustible dust, and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area;

(iii) The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used; and,

(iv) The details of the hazard communication program developed by the employer, including an explanation of the labels received on shipped containers and the workplace labeling system used by their employer; the safety data sheet, including the

order of information and how employees can obtain and use the appropriate hazard information.

(i) Trade secrets.

(1) The chemical manufacturer, importer, or employer may withhold the specific chemical identity, including the chemical name, other specific identification of a hazardous chemical, or the exact percentage (concentration) of the substance in a mixture, from the safety data sheet, provided that:

(i) The claim that the information withheld is a trade secret can be supported;

(ii) Information contained in the safety data sheet concerning the properties and effects of the hazardous chemical is disclosed;

(iii) The safety data sheet indicates that the specific chemical identity and/or percentage of composition is being withheld as a trade secret; and,

(iv) The specific chemical identity and percentage is made available to health professionals, employees, and designated representatives in accordance with the applicable provisions of this paragraph (i).

(i)(2) Where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity and/or specific percentage of composition of a hazardous chemical is necessary for emergency or first-aid treatment, the chemical manufacturer, importer, or employer shall immediately disclose the specific chemical identity or percentage composition of a trade secret chemical to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. The chemical manufacturer, importer, or employer may require a written

statement of need and confidentiality agreement, in accordance with the provisions of paragraphs (i)(3) and (4) of this section, as soon as circumstances permit.

(i)(3) In non-emergency situations, a chemical manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity or percentage composition, otherwise permitted to be withheld under paragraph (i)(1) of this section, to a health professional (i.e. physician, industrial hygienist, toxicologist, epidemiologist, or occupational health nurse) providing medical or other occupational health services to exposed employee(s), and to employees or designated representatives, if:

(i) The request is in writing;

(ii) The request describes with reasonable detail one or more of the following occupational health needs for the information:

(A) To assess the hazards of the chemicals to which employees will be exposed;

(B) To conduct or assess sampling of the workplace atmosphere to determine employee exposure levels;

(C) To conduct pre-assignment or periodic medical surveillance of exposed employees;

(D) To provide medical treatment to exposed employees;

(E) To select or assess appropriate personal protective equipment for exposed employees;

(F) To design or assess engineering controls or other protective measures for exposed employees; and,

(G) To conduct studies to determine the health effects of exposure.

(iii) The request explains in detail why the disclosure of the specific chemical identity or percentage composition is essential and that, in lieu thereof, the disclosure of the following information to the health professional, employee, or designated representative, would not satisfy the purposes described in paragraph (i)(3)(ii) of this section:

(A) The properties and effects of the chemical;

(B) Measures for controlling workers' exposure to the chemical;

(C) Methods of monitoring and analyzing worker exposure to the chemical; and,

(D) Methods of diagnosing and treating harmful exposures to the chemical;

(iv) The request includes a description of the procedures to be used to maintain the confidentiality of the disclosed information; and,

(v) The health professional, and the employer or contractor of the services of the health professional (i.e. downstream employer, labor organization, or individual employee), employee, or designated representative, agree in a written confidentiality agreement that the health professional, employee, or designated representative, will not use the trade secret information for any purpose other than the health need(s) asserted and agree not to release the information under any circumstances other than to OSHA, as provided in paragraph (i)(6) of this section, except as authorized by the terms of the agreement or by the chemical manufacturer, importer, or employer.

(i)(4) The confidentiality agreement authorized by paragraph (i)(3)(iv) of this section:

(i) May restrict the use of the information to the health purposes indicated in the written statement of need;

(ii) May provide for appropriate legal remedies in the event of a breach of the agreement, including stipulation of a reasonable pre-estimate of likely damages; and,

(iii) May not include requirements for the posting of a penalty bond.

(i)(5) Nothing in this standard is meant to preclude the parties from pursuing non-contractual remedies to the extent permitted by law.

(i)(6) If the health professional, employee, or designated representative receiving the trade secret information decides that there is a need to disclose it to OSHA, the chemical manufacturer, importer, or employer who provided the information shall be informed by the health professional, employee, or designated representative prior to, or at the same time as, such disclosure.

(i)(7) If the chemical manufacturer, importer, or employer denies a written request for disclosure of a specific chemical identity or percentage composition, the denial must:

(i) Be provided to the health professional, employee, or designated representative, within thirty days of the request;

(ii) Be in writing;

(iii) Include evidence to support the claim that the specific chemical identity or percent of composition is a trade secret;

(iv) State the specific reasons why the request is being denied; and,

(v) Explain in detail how alternative information may satisfy the specific medical or occupational health need without revealing the trade secret.

(i)(8) The health professional, employee, or designated representative whose request for information is denied under paragraph (i)(3) of this section may refer the request and the written denial of the request to OSHA for consideration.

(i)(9) When a health professional, employee, or designated representative refers the denial to OSHA under paragraph (i)(8) of this section, OSHA shall consider the evidence to determine if:

(i) The chemical manufacturer, importer, or employer has supported the claim that the specific chemical identity or percentage composition is a trade secret;

(ii) The health professional, employee, or designated representative has supported the claim that there is a medical or occupational health need for the information; and,

(iii) The health professional, employee or designated representative has demonstrated adequate means to protect the confidentiality.

(i)(10)(i) If OSHA determines that the specific chemical identity or percentage composition requested under paragraph (i)(3) of this section is not a "bona fide" trade secret, or that it is a trade secret, but the requesting health professional, employee, or designated representative has a legitimate medical or occupational health need for the information, has executed a written confidentiality agreement, and has shown adequate means to protect the confidentiality of the information, the chemical manufacturer, importer, or employer will be subject to citation by OSHA.

(ii) If a chemical manufacturer, importer, or employer demonstrates to OSHA that the execution of a confidentiality agreement would not provide sufficient protection against the potential harm from the unauthorized disclosure of a trade secret, the

Assistant Secretary may issue such orders or impose such additional limitations or conditions upon the disclosure of the requested chemical information as may be appropriate to assure that the occupational health services are provided without an undue risk of harm to the chemical manufacturer, importer, or employer.

(i)(11) If a citation for a failure to release trade secret information is contested by the chemical manufacturer, importer, or employer, the matter will be adjudicated before the Occupational Safety and Health Review Commission in accordance with the Act's enforcement scheme and the applicable Commission rules of procedure. In accordance with the Commission rules, when a chemical manufacturer, importer, or employer continues to withhold the information during the contest, the Administrative Law Judge may review the citation and supporting documentation "in camera" or issue appropriate orders to protect the confidentiality of such matters.

(i)(12) Notwithstanding the existence of a trade secret claim, a chemical manufacturer, importer, or employer shall, upon request, disclose to the Assistant Secretary any information which this section requires the chemical manufacturer, importer, or employer to make available. Where there is a trade secret claim, such claim shall be made no later than at the time the information is provided to the Assistant Secretary so that suitable determinations of trade secret status can be made and the necessary protections can be implemented.

(i)(13) Nothing in this paragraph shall be construed as requiring the disclosure under any circumstances of process information which is a trade secret.

(j) Effective dates. (1) Employers shall train employees regarding the new label elements and safety data sheets format by December 1, 2013.

(2) Chemical manufacturers, importers, distributors, and employers shall be in compliance with all modified provisions of this section no later than June 1, 2015, except:

(i) After December 1, 2015, the distributor shall not ship containers labeled by the chemical manufacturer or importer unless the label has been modified to comply with paragraph (f)(1) of this section.

(ii) All employers shall, as necessary, update any alternative workplace labeling used under paragraph (f)(6) of this section, update the hazard communication program required by paragraph (h)(1), and provide any additional employee training in accordance with paragraph (h)(3) for newly identified physical or health hazards no later than June 1, 2016.

(3) Chemical manufacturers, importers, distributors, and employers may comply with either §1910.1200 revised as of October 1, 2011, or the current version of this standard, or both during the transition period.