

HAZARD COMMUNICATION
FINAL RULE
November 25, 1983
F.R. 53280-53348

Effective Dates:

- (1) November 25, 1985 -- Chemical manufacturers and importers are required to label containers they ship and provide required MSDSs.
- (2) November 25, 1985 -- Distributors must transmit required information to employers in SIC Codes 20-39.
- (3) May 25, 1986 -- Employers must be in compliance and have completed initial training of all current employees.

Purpose:

- (1) To insure that the hazards of all chemicals produced or imported by chemical manufacturers or importers are evaluated, and that information concerning their hazards is transmitted to affected employers and employees within the manufacturing sector
- (2) To address comprehensively the issue of evaluating and communicating chemical hazards to employees and to preempt any state law pertaining to this subject

Scope and Application:

- (1) This regulation applies to chemical manufacturers and importers and employers in SIC Codes 20 through 39. Distributors must transmit required information to employers in SIC Codes 20 through 39.
- (2) This section applies to any chemical which is known to be present in the workplace to which employees may be exposed under normal conditions of use or in a foreseeable emergency.
- (3) Laboratories have limited application:
 - (a) Labels must not be removed or defaced on incoming containers
 - (b) MSDSs which are received must be maintained and accessible to employees
 - (c) Employees must be apprised of hazards in their workplaces

Hazard Determination:

- (1) Chemical manufacturers and importers shall evaluate chemicals produced in their workplaces or imported by them to determine if they are hazardous. Employers are not required to evaluate chemicals unless they choose not to rely on the evaluation performed by the manufacturer.
- (2) Sources are listed which establish the chemicals listed in them as hazardous or a carcinogen or potential carcinogen.
- (3) Procedures must be written describing how hazards of chemicals were evaluated. These procedures may be included in the written hazard communication program. The procedures are to be made available upon request to employees and representatives.

Hazard Communication Program:

- (1) This program must be written and describe how the requirements pertaining to the following will be met:
 - (a) Labels and other forms of warning
 - (b) MSDSs
 - (c) Employee information and training
- (2) It must also include:
 - (a) A list of hazardous chemicals compiled by workplace or by areas
 - (b) The methods used to inform employees of the hazards of non-routine tasks, and hazards associated with chemicals in unlabeled pipes in their work area
 - (c) The methods used to inform contractor employers of the hazardous chemicals their employees may be exposed to
- (3) The program must be made available upon request to employees, representatives and OSHA.

Labels and Other Forms of Warning:

- (1) Chemical manufacturers, importers, or distributors must ensure that each container of hazardous chemicals leaving the workplace is labeled with:
 - (a) Identity of hazardous chemicals
 - (b) Appropriate hazard warnings
 - (c) Name and address of the chemical manufacturer, importer, or other responsible party

- (2) Employers shall ensure each container of hazardous chemicals in the workplace is labeled with:
 - (a) Identity of hazardous chemicals
 - (b) Appropriate hazard warnings
- (3) Employers may use signs, placards, process sheets, batch tickets, operating procedures or other written material instead of putting labels on individual stationary process containers. This must be accessible to employees in their work area throughout each work shift. Portable containers need not be labeled if content is used during the same workshift by the employee who did the transfer.

Material Safety Data Sheets:

- (1) Chemical manufacturers and importers shall obtain or develop MSDSs for each hazardous chemical they produce or import. Employers shall have a MSDS for each hazardous chemical which they use.
- (2) Specific information is required on the MSDS. New information must be added within three months.
- (3) MSDSs must be provided with the initial shipment and the first shipment after an update. MSDSs may accompany the container or be sent to the purchaser prior to or at the time of shipment.
- (4) All employers are required to maintain MSDSs for each hazardous chemical in the workplace and make them readily accessible to employees when in work areas.
- (5) MSDSs may address processes rather than individual hazardous chemicals.

Employee Information and Training:

- (1) Information and training must be provided at the time of initial assignment and whenever a new hazard is introduced in the work area.
 - (a) Information:
 - (1) Requirements of this section
 - (2) Operations where hazardous chemicals are present
 - (3) Location and availability of the written hazard communication program, including required lists and MSDSs.

(b) Training:

- (1) Methods and observations used to detect presence or release of a hazardous chemical
- (2) Physical and health hazards of chemicals in work area
- (3) Measures employees can take to protect themselves from hazards
- (4) Details of the hazard communication program, and how employees can obtain and use the appropriate hazard information

Trade Secrets:

- (1) Manufacturers, importers or employers may withhold the identity and other specific identification of a hazardous chemical from the MSDS provided specific requirements are met.
- (2) Emergency and non-emergency situations are addressed pertaining to release of trade secret information.

Hazard Determination - Mixtures

(48 Federal Register 53342)

The chemical manufacturer, importer or employer shall determine the hazards of mixtures of chemical as follows:

(i) If a mixture has been tested as a whole to determine its hazards, the results of such testing shall be used to determine whether the mixture is hazardous;

(ii) If a mixture has not been tested as a whole to determine whether the mixture is a health hazard, the mixture shall be assumed to present the same health hazards as do the components which comprise one percent (by weight or volume) or greater of the mixture, except that the mixture shall be assumed to present a carcinogenic hazard if it contains a component in concentrations of 0.1 percent or greater which is considered to be a carcinogen under paragraph (d)(4) of this section;

(iii) If a mixture has not been tested as a whole to determine whether the mixture is a physical hazard, the chemical manufacturer, importer, or employer may use whatever scientifically valid data is available to evaluate the physical hazard potential of the mixture; and

(iv) If the employer has evidence to indicate that a component present in the mixture in concentrations of less than one percent (or in the case of carcinogens, less than 0.1 percent) could be released in concentrations which would exceed an established OSHA permissible exposure limit or ACGIH Threshold Limit Value, or could present a health hazard to employees in those concentrations, the mixture shall be assumed to present the same hazard.