



GENERAL INFORMATION BULLETIN

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March 2 1982

FEDERAL LEVEL

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Hazard Communication

Notice of Proposed Rulemaking and Public Hearings

RECEIVED

OSHA has proposed a standard which requires chemical manufacturers to assess the hazards of chemicals which they produce, and all employers having facilities in the manufacturing division, SIC Codes 20-39, to provide information to their employees about these hazards by means of hazard communication programs including labels, placards, material safety data sheets, information and training, and access to written records (Federal Register, March 19, 1982, pp. 12092-12124, attached).

Chemicals which are "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" must be evaluated by the manufacturer of the chemical to determine if they are hazardous. Only chemicals which are hazardous are covered by the communication requirements.

If the mixture is comprised of at least 1 percent of a hazardous chemical, the mixture is considered to have the same hazard(s) for purposes of this standard. The only exception is when the mixture itself has been tested, and the resulting data indicates it is not hazardous.

Chemicals which are being developed and used in research laboratories would be exempt under the proposal. The laboratory chemicals in facilities falling within the SIC Codes 20-39, such as in quality control laboratories, would be covered. An additional exemption is included for foods, drugs, cosmetics or tobacco products bought into the workplace for personal consumption or use of employees.

The proposal does not specifically include importers within its scope. According to OSHA, unlike the manufacturer, the importer may not have adequate information on the chemical and may not be in a good position to develop the necessary information or to send such information to downstream users. OSHA invites comment on whether importers should be specifically included in the final standard, and would like information on the extent of the potential problems involving imported chem-

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icals, and where the responsibility should lie for developing and transmitting hazard information concerning imported chemicals.

According to OSHA, although non-manufacturing employers are not covered by the proposal, it is expected that their employees will also benefit from it to a great extent since employers in the manufacturing sectors will be required to send the hazard-related information downstream to their customers.

The proposal would require that the employer label every container in the workplace with the "identity" of the hazardous chemicals contained therein and hazard warnings. The term "container" does not include pipes or piping systems. Containers leaving the workplace also have to be labeled with the identity and hazard warnings, as well as the name, address and telephone number of the manufacturer. When stationary containers in a work area have similar contents and hazards, the employer may choose to post signs or placards with the appropriate information, rather than individually labeling each container.

Containers holding ten gallons or less need not be labeled if an employee is using them immediately and has transferred the material from a labeled container to the container being used.

The use of the term "label" does not imply that the information has to be printed on paper and affixed to containers. It can be spray painted on the side, put on a tag, or presented in any other effective manner.

The proposal requires that each employer obtain or develop a materials safety data sheet (MSDS) for each hazardous chemical produced or used. Although the sheet may be presented in any format the employer decides to use, the proposal includes a list of specific items to be addressed in the MSDS. Each MSDS shall contain at least the following information:

- 1) The chemical and common names(s), CAS Number(s) and the identity used on the label for all hazardous ingredients which comprise greater than one (1) percent of the chemical (except as provided by paragraph (g) of this section on trade secrets);
- 2) Physical and chemical characteristics of the hazardous chemical (such as vapor pressure, flash point);
- 3) The physical hazards of the hazardous chemical, including the potential for fire, explosion, and reactivity;
- 4) Known acute and chronic health effects of exposure to the hazardous chemical, including signs and symptoms of exposure, and medical conditions which may be aggravated by exposure to the chemical;
- 5) The primary route(s) of entry and permissible exposure limit (for those hazardous chemical for which OSHA has promulgated a permissible exposure limit);

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- 6) Precautions for safe handling and use, including appropriate hygienic practices, procedures for decontaminating equipment prior to performing repairs and maintenance, and procedures for clean-up of leaks or spills;
- 7) Engineering controls recommended;
- 8) Work practices recommended;
- 9) Personnel protective equipment recommended;
- 10) Emergency and first aid procedures;
- 11) The date of preparation of the material safety data sheet or the last change to it; and
- 12) The name, address and telephone number of the manufacturer preparing the sheet.

If no information is found for any category, the employer must indicate that on the MSDS. Black spaces on existing material safety data sheets will be considered to indicate that information was sought but not found. It is the chemical manufacturer's responsibility to ensure that the interpretation is accurate. As the MSDSs are updated, the blanks shall be marked as required.

The proposal includes a provision which permits the employer to withhold precise chemical identity information on all chemicals which constitute a trade secret unless the chemical is a carcinogen, mutagen, teratogen or is a cause of significant irreversable damage to human organs or body systems for which there is a need to know the precise chemical name. The "need-to-know" qualification is meant to limit access to employees or their representatives with a legitimate health purpose.

A distinction is drawn between "high chronic hazard" chemicals, where identities must be disclosed, and all other hazardous chemicals, whose identities may be withheld (except from a treating physician) if they constitute a trade secret. With respect to these latter chemicals, the employer is nevertheless required to:

- (1) Be capable of substantiating that it is a trade secret;
- (2) Identify the chemical by a generic chemical classification;
- (3) Provide all other information on the properties and effects of the chemical required by the standard on the material safety data sheet;
- (4) Indicate on the material safety data sheet that information is being withheld on trade secret grounds; and
- (5) In any event, release on a confidential basis the chemical identity to a treating physician who has stated in writing (except in an emergency) that a patient's health problems may be result of occupational exposure.

With respect to the "high chronic hazards" whose identities must be disclosed, the standard permits the employer to condition access to such information by employees, their designated representatives, or downstream employers upon the signing of a confidentiality agreement.

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Comments on the proposal should be submitted by May 18, 1982 to:

Docket Office
Docket H-022
U.S. Department of Labor
Occupational Safety and Health Administration
200 Constitution Avenue, N.W.
Room S6212
Washington, D.C. 20210.

Notices of intention to appear at the public hearing should be submitted by May 18, 1982 to:

Mr. Tom Hall
Division of Consumer Affairs
U.S. Department of Labor
200 Constitution Avenue, NW
Room N3635
Washington, D.C. 20210

The location of the June 15, 1982 hearing will be announced at a later date.