

FRICTION MATERIALS STANDARDS INSTITUTE, INC.

BERGEN MALL OFFICE CENTER

E. 210 ROUTE 4

PARAMUS, N. J. 07652

September 5, 1985

Mr. John Riopelle
Allied Automotive
Bendix Friction Materials Division
P.O. Box 238
Troy, NY 12181

Dear Rip:

Enclosed is an article excerpted from the August 30, 1985 edition of AIA's NEWS AND NOTES. It appears to be a good overview of the OSHA guidelines on enforcement of the OSHA Hazard Communication Standard.

To get further background on this, I called the local OSHA Office. The guidelines are apparently loose leaf supplements that are added to a master handbook used by OSHA Enforcement Officers. To get these, one apparently must subscribe to the Manual with the Government Printing Office.

I believe the Membership should be advised on these guidelines and on the Hazard Communications Standard. I don't believe I'd have any difficulty getting Bob Pigg's approval to reprint his excerpt. Perhaps you might have some suggestions on a bulletin to the Membership. If you have access to the August 5 copy of the guidelines, perhaps that would help.

Let me have your comments on this.

Sincerely,

FRICTION MATERIALS STANDARDS INSTITUTE

E. W. Drislane
Executive Director

FMSI--0433

FMSI 02529

OSHA HAZARD COMMUNICATION ENFORCEMENT GUIDELINES ISSUED

On Aug. 5, the Occupational Safety and Health Administration (OSHA) issued guidelines on the hazard communication standard for its compliance safety and health officers (CSHO) who conduct workplace inspections. The hazard communication standard, promulgated at 29 CFR 1910.1200 on November 25, 1983, requires chemical manufacturers and importers to label containers of hazardous chemicals leaving their workplaces and provide material safety data sheets with initial shipments to customers by Nov. 25, 1985. All manufacturing segment employers must have information and training programs regarding hazardous chemicals in place by May 25, 1986. The enforcement guidelines, OSHA Instruction CPL 2-2.38, provides general inspection guidance for enforcing the hazard communications standard, clarifications and interpretations of the standard, and procedures for evaluating chemical hazards.

The guidelines instruct inspectors to determine the adequacy of a company's hazard evaluation program, and lists four elements which should be included in such a program: 1) the person(s) responsible for evaluating chemicals, 2) the sources of information consulted, 3) criteria used to evaluate studies, for example, statistical significance, and 4) a plan for reviewing information to update MSDS if new and significant health information is found. Designation of a person or persons responsible for ensuring labeling of in-plant containers, obtaining and maintaining MSDS, and conducting training of employees will also be looked for by the compliance officers.

Compliance officers are to select a representative number of MSDS from workplaces they inspect to determine if they reflect an adequate hazard evaluation procedure. The sample size and particular sheets selected will depend on the number of chemicals in the workplace, the severity of the hazards involved, the completeness of the data sheets in general, and the volume of chemicals used in the workplace.

For hazard evaluation purposes, if a hazardous chemical is present in a mixture in reportable quantities, that is, 0.1% for carcinogens, and 1% for other health hazards, it must be reported unless the mixture has been tested as a whole. The guideline states that this procedure for mixtures would include chemicals which are hazardous only when airborne, using the example of silica, when they are in a wet mixture. "The employer is free to indicate that exposure potential is limited because of the physical form of the mixture, but the 'right-to-know' the chemical is present is not obviated by the physical state of the mixture."

Building on the example of silica, the guideline attempts to distinguish situations in which mixtures offer no possibility of exposure to a hazardous chemical and in which there is the potential for exposure. The standard defines

exposure as including potential as well as measurable exposure. If there really is no exposure under either normal conditions of use or in a foreseeable emergency, then the chemical is not covered by the standard. However, in the case of liquid mixtures, the guideline cautions that "this provision has to be considered very carefully. Using the silica example, it is possible that, if the mixture dries upon application, there is a potential for the silica to become airborne, and thus a potential for exposure. The presence of silica must be indicated on the MSDS for the liquid mixture in this situation."

Guidance is also given as to what would constitute a satisfactory information and training program under the hazard communication standard. Employees are to be trained at the time they are assigned to work with a hazardous chemical and retraining is to be conducted when a new hazard is introduced into the work area. The guideline states that giving an employee a data sheet to read does not satisfy the intent of the standard with regard to training. "The training is to be a forum for explaining to employees not only the hazards of the chemicals in their work areas, but also how to use the information generated in the Hazard Communication Program. This can be accomplished in many ways (audiovisuals, classroom instruction, interactive video), and ideally should include an opportunity for employees to ask questions to ensure that they understand the information presented to them."

Citations for violations of the hazard communication standard are to be issued when there is a complete lack of hazard communication program; when the employer has failed to perform a hazard determination; when no lists of hazardous chemicals are developed, or when they are incomplete; when a chemical manufacturer or importer fails to label shipped containers or has not provided MSDS to manufacturing purchasers; when an employer who has not received a MSDS has not made documented attempts to obtain it; when training required under the standard is not provided; and when an employer refuses to provide specific chemical identity information in a medical emergency.

Workplace Hazard Communication Program for Asbestos

This guide has been prepared to assist employers in the implementation of a workplace hazard communication program as required by the Occupational Safety and Health Administration's (OSHA) standard on hazard communication (29 CFR 1910.1200). The standard became effective for manufacturers and importers of hazardous chemicals on November 25, 1985, and for all employers on May 25, 1986. Among other things, the standard requires employers to maintain written records documenting certain procedures. That is the area of compliance focused upon in this guide.

Although parts of this guide are responsive to generally applicable provisions of the standard, it is meant to provide specific guidance with regard to asbestos. In an attempt to provide the most thorough advice, OSHA Instruction CPL 2-2.28, which establishes policies and provides clarifications for OSHA inspectors to ensure uniform enforcement of the hazard communication standard, was reviewed in addition to the standard itself, and its interpretations and requirements were incorporated into this guide. The hazard communication standard and OSHA Instruction CPL 2-2.38 are included as attachments "A" and "B" respectively. Existing material safety data sheets (MSDS) for asbestos were also consulted, and the views of AIA/NA's Technical Committee and other interested individuals

among the membership were solicited in the development of this guide.

A review of the standard and the instruction for OSHA inspectors which pertains to it indicates that written records documenting the following information should be developed and maintained:

- 1) Material safety data sheet (MSDS);
- 2) Hazard Warning Label;
- 3) Procedure used for hazard determination;
- 4) Plan for maintaining/storing collection;
- 5) Procedure to follow when MSDS is not received with the first shipment of hazardous chemical;
- 6) Procedure for employee access to MSDS and other written materials;
- 7) Plan for reviewing information to update MSDS and hazard warning label;
- 8) Procedure for informing employees of hazards of non-routine tasks involving chemicals;
- 9) Procedure for informing outside contract employers of chemical hazards in the workplace;
- 10) Procedure for obtaining information from outside contractors on hazards of chemicals they will bring into the workplace;
- 11) Designation of a responsible person for:
 - a) evaluation of chemicals;
 - b) labeling of in-plant containers;
 - c) obtaining and maintaining MSDS.

The text which follows will address each of the areas enumerated above, with particular emphasis on asbestos where relevant. A model MSDS for asbestos and model language for

the hazard warning required on labels is included. Employers are encouraged to modify the general suggestions given below to fit more exactly the particular circumstances of their operations.

1. Material Safety Data Sheet

Please refer to ATTACHMENT "C" for a model MSDS for asbestos. In addition, employers must maintain a list of hazardous chemicals for which there must be data sheets.

2. Hazard Warning Label

The OSHA Hazard Communication Standard requires chemical manufacturers, importers and distributors to ensure that each container of hazardous chemicals which leaves the workplace is labeled, tagged, or marked with the following information: 1) identity of the hazardous chemical, 2) appropriate hazard warning, and 3) name and address of the chemical manufacturer, importer, or other responsible party. In addition, every employer must ensure that each container of hazardous chemicals in the workplace is labeled, tagged, or marked with the identity of the hazardous chemical it contains and an appropriate hazard warning.

The standard defines "container" as "any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical."

Pipes or piping systems are not considered to be containers. The standard also states that the employer is not 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.

Section (f) (3) of the standard states that if a hazardous chemical is regulated by a substance-specific OSHA standard, labels are to be used in accordance with that standard. The OSHA asbestos standard requires the following wording for labels:

CAUTION
Containers Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos Dust May Cause
Serious Bodily Harm

Discussions with OSHA staff indicate that the warning language of the asbestos standard should be used on labels. Written confirmation of this position, as per ATTACHMENT "D", has been requested.

3. Procedure Used for Hazard Determination

Because of the very extensive health-related literature on asbestos, a few, authoritative overviews of the subject

were chosen. These are the Annual Report on Carcinogens published by the National Toxicology Program; the Report to the U.S. Consumer Product Safety Commission by the Chronic Hazard Advisory Panel on Asbestos, (1983); Doll, Richard, and Julian Peto, Asbestos: Effects on Health of Exposure to Asbestos, (1985); Craighead, John E., and Brooke T. Mossman, "The Pathogenesis of Asbestos-Associated Disease," 306 New England J. of Med. 1446 (1982); and Churg, Andrew, "Current Issues in the Pathologic and Mineralogic Diagnosis of Asbestos-Induced Disease," 84 Chest 275 (1983).

In addition, existing MSDS's on asbestos were collected and reviewed, and their information was integrated into the format required by the hazard communication standard.

4. Plan for Maintaining/Storing MSDS Collection

As MSDS are received from manufacturers, their arrival should be logged in, and then the MSDS themselves can be stored in alphabetical order by substance or by manufacturer, or cross-referenced to both, in a notebook or file cabinet set aside for that purpose. The notebook or file cabinet must be accessible to employees.

5. Procedure to Follow When MSDS Is Not Received With the First Shipment of a Hazardous Chemical

Manufacturers are required to supply their customers with

MSDS for hazardous chemicals in their first shipment of a product following the effective date of the standard, November 25, 1985. However, if an employer does not receive a MSDS from his supplier, he must make a documented attempt to obtain it, or he will be liable to citation by the OSHA inspector. This is a strong incentive to log in MSDS as they are received, so that the employer can keep track of them and know which suppliers to contact. In addition, the standard requires employers to maintain a list of hazardous chemicals in the workplace for which there must be data sheets.

A simple letter to the supplier along the lines of the model below should be sufficient:

Dear _____:

We have noted that in your shipment to us dated _____ we did not receive a material safety data sheet (MSDS) as required by the OSHA Hazard Communication Standard, 29 CFR 1910.1200, for your product _____. Please forward us a MSDS for this product at your earliest opportunity, or advise us of the reason why a MSDS would not be required.

According to OSHA Instruction CPL 2-2.38, employers will not be held responsible for inaccurate information on MSDS supplied by the chemical manufacturer or importer which they have accepted in good faith.

6. Procedure for Employee Access to MSDS and Other Written Materials

MSDS which are received and stored in a notebook or file cabinet in some organized fashion must be made accessible to employees. Written procedures should specify the location and organization of the MSDS in the facility and the terms of their accessibility. They may be freely accessible at the employee's convenience; or accessible during certain hours; or by arrangement with the person responsible for maintaining the MSDS collection. MSDS should always be accessible in the event of an emergency, and the person maintaining them should have a back-up or make some other provision to see to it that this is so.

7. Plan for Reviewing Information to Update MSDS and Hazard Warning Label

The OSHA standard not only requires manufacturers to prepare and supply MSDS to their customers, but also provides that they be reviewed and updated so as to reflect the latest information on a hazardous chemical. This requirement can be fulfilled by having the person responsible for maintaining the MSDS collection conduct an annual review in one of the bibliographic data bases such as MEDLARS or TOXLINE. These data bases are available as an on-line computer service. They can also usually be accessed, or information concerning their use can be obtained, through the reference section of a local library. A list of rele-

vant data bases can be found in Appendix C of the hazard communication standard.

If the manufacturer, importer, or employer becomes aware of any significant, new information, it must be added to the MSDS within three months.

8. Procedure for Informing Employees of Hazards of Non-Routine Tasks Involving Chemicals

Before a procedure for non-routine tasks can be developed, the non-routine tasks must be identified. These will vary from workplace to workplace. Where asbestos is involved, non-routine tasks may consist of, for example, procedures to follow when ventilation systems are disrupted, emptying and cleaning the filter bags from a ventilation system, or maintaining and cleaning a particular piece of equipment. It is now necessary to identify and set down in writing the procedures which are to be followed in these situations.

9. Procedures for Informing Outside Contractors of Chemical Hazards to their Employees in the Workplace

Outside contractors whose employees will be working at a facility must be apprised of the chemical hazards at the facility, and this procedure must be in writing. The contractor should be informed of the chemicals to which his employees will be exposed and of appropriate precautions to be taken. This information will, again, vary from workplace to workplace and from contractor to contractor

depending on the nature of the task involved.

10. Procedure for Obtaining Information from Outside Contractors on Hazards of Chemicals They Will Bring Into the Workplace

This written procedure is merely the reciprocal aspect of the previous one. The obligation to provide information on hazardous chemicals is one that extends to both the employer and the contractor. For example, an outside contractor may perform sandblasting work or utilize solvents or cleaning agents which contain hazardous chemicals.

A standard paragraph for this purpose could be added to every agreement with outside contractors, along the following lines:

The contractor agrees that before commencing performance he will provide the contractee with a list of all hazardous chemicals to be brought to the worksite and of the appropriate safety precautions to be followed with regard to them under the circumstances.

11. Designation of a Responsible Person for Evaluation of Chemicals, Labeling of In-Plant Containers, and Obtaining and Maintaining MSDS

While this requirement is self-explanatory, there are some related aspects which should be given consideration. For example, a responsible person should be available at the facility during each work shift in the event that an emergency arises which requires information on a hazardous

chemical. These responsible persons, to cover on occasions when they are not available, should also have backups. A single, managing responsible person may be designated with a number of subordinate responsible persons.