

MINIMUM REQUIREMENTS OF OSHA'S

HAZARD COMMUNICATION STANDARD (HCS)

OSHA promulgated a final occupational safety and health standard entitled "Hazard Communication," codified as 29 CFR 1910.1200, on November 25, 1983; more commonly referred to as the "labeling" or "right-to-know" rule.

Chemical manufacturers and importers must assess the hazards of chemicals which they produce or import. Employers in SIC codes 20 through 39 must provide information to their employees concerning hazardous chemicals by means of hazard communication programs including labels, material safety data sheets (MSDSs), training and access to written records.

Additionally, manufacturers and distributors are to ensure that containers are properly labeled and are to provide MSDSs to their customers by November 25, 1985. All other employers covered by the standard are to be in compliance by May 25, 1986, including initial training for all current employees.

The following summarizes some of the rule's requirements:

1. Hazard Determination -- Manufacturers, importers and employers must evaluate any known chemical produced, imported or used to determine if it presents a physical hazard or a health hazard.

A "Physical Hazard" means a chemical which is combustible, compressed, explosive, flammable, organic peroxide, oxidizer, pyrophoric, unstable (reactive) or water reactive.

A "Health Hazard" means a chemical that may result in an acute or chronic health effect in exposed employees. Appendices A and B of the HCS must be used to evaluate a health hazard. Substances regulated by OSHA (29 CFR 1910, Subpart Z) or listed in the latest edition of ACGIH Threshold Limit Values (TLVs) are to be treated as hazardous.

2. Carcinogens -- Any substance is to be considered a carcinogen if (a) evaluated by the International Agency for Research on Cancer (IARC) and found to be a carcinogen or potential carcinogen, (b) it is listed by the National Toxicology Program (NTP), or (c) it is regulated by OSHA as a carcinogen.
3. Mixtures -- If a mixture has not been tested as a whole for a particular health hazard, the mixture shall be assumed (a) to present the same health hazards as do the components present at one percent or greater and (b) to present a carcinogenic hazard if it contains 0.1 percent or greater of a carcinogen.

4. Written Hazard Communication Program -- Employers must develop and implement a written hazard communication program for their workplaces including a list of hazardous chemicals and employee training methods. Existing hazard communication programs are acceptable for compliance if they meet certain criteria.
5. Labels -- Containers leaving the workplace must be labeled, tagged or marked with (a) identity of hazardous chemicals, (b) appropriate hazard warnings, and (c) name and address of the chemical manufacturer or importer.

Containers in the workplace must be labeled with the identity of hazardous chemicals contained therein and must show appropriate hazard warnings. Other methods may be used in lieu of labels on stationary process containers.

Labeling requirements do not apply to materials subjected to the labeling requirements of FIFRA, FDA, FAA, CPSC or RCRA. Also exempt are tobacco, tobacco products, wood, wood products and articles.

6. Material Safety Data Sheets* -- MSDSs must be in English. MSDSs must contain, among other items, the chemical identity and, if a mixture not tested as a whole, the chemical names of all ingredients presenting a health hazard comprising 1% or greater of composition except that carcinogens must be listed if at 0.1% or greater.
7. Employee Information and Training -- At the time of initial assignment and whenever a new hazard is introduced, employees shall be informed where hazardous chemicals are present in their work areas, the location and availability of the written hazard communication program, including lists of hazardous chemicals and MSDSs.
8. Employees and their designated representatives must be provided access to the written hazard communication program and related materials. Note that a certified bargaining agent shall be treated as a "designated representative".
9. Trade Secrets -- Specific chemical identity may be withheld from MSDSs under specific conditions.

When a treating physician or nurse determines that it is necessary for emergency or first-aid treatment, the specific chemical identity must be disclosed.

*The term "Material Safety Data Sheet" is used by OSHA to designate any sheet or number of sheets which contain specified information.