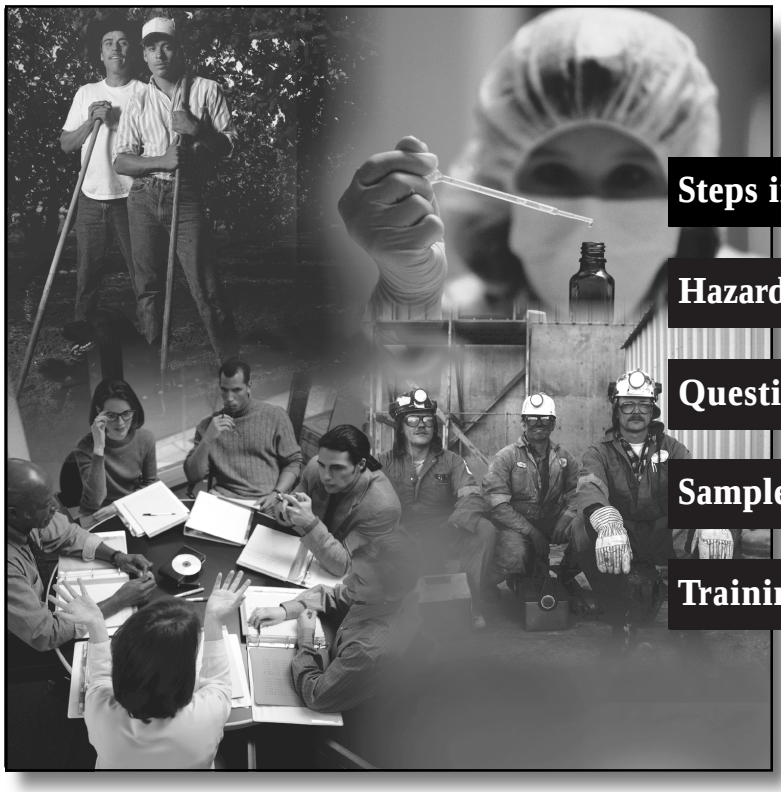
Understanding 'Right to Know'

Chemical hazard communication guidelines for Washington employers



- Steps in a Successful Program
- Hazard Communication Checklist
- Questions and Answers
- Sample Prevention Program
- Training Materials

Department of LABOR AND INDUSTRIES

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This guidebook explains the Hazard Communication Standard, a set of rules to carry out the Worker Right to Know Act, passed by the Legislature in 1984. The rules require employers to train and inform their employees about hazardous chemicals in the workplace. The law is administered by the Department of Labor and Industries, WISHA Services Division.

The Department of Labor and Industries will help you meet the requirements of the Hazard Communication Standard. For assistance, contact the following office nearest you and ask to speak to an industrial hygiene consultant.

Bellevue	425-990-1400	Seattle	206-281-5400
Bremerton	360-415-4000	Spokane	509-324-2600
Everett	425-290-1300	Tacoma	253-596-3800
Kennewick	509-735-0100	Tukwila	206-248-8240
Longview	360-575-6900	Vancouver	360-896-2300
Tumwater	360-902-5799	Walla Walla	509-527-4437
Port Angeles	360-417-2700	Yakima	509-454-3700

The Department of Ecology administers the Community Right to Know Act and other hazardous waste disposal laws. For information about hazardous chemicals in your community, call the Hazardous Substance Information Office at 1-800-633-7585.

Useful resources on workplace safety and health

WISHA stands for **W**ashington **I**ndustrial **S**afety and **H**ealth **A**ct, a law passed by the Washington State Legislature in 1973. The Washington Department of Labor and Industries, WISHA Services, administers workplace safety and health regulations required by this law.

WISHA Services also provides no-fee services to help employers and employees who are committed to improving workplace safety and health. Learn more about these services by visiting the WISHA Services web site or by calling the safety and health hotline.

Web site: http://www.lni.wa.gov/wisha

Safety and health hotline: 800-4BE-SAFE (800-423-7233)

This document is available in other formats to accommodate persons with disabilities. For assistance, call 1-800-423-7233. (TDD/TDY users, please call 360-902-5797.) Labor and Industries is an Equal Opportunity employer.

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Abbreviations used in this publication

OSHA	Occupational Safety and Health Administration
WISHA	Washington Industrial Safety and Health Act
WAC	Washington Administrative Code
RCW	Revised Code of Washington
MSDS	Material Safety Data Sheet
PEL	Permissible Exposure Limit
ACGIH	American Conference of Governmental Industrial Hygienists
TLV	Threshold Limit Value
NTP	National Toxicology Program
IARC	International Agency for Research on Cancer

Introduction

The Hazard Communication Standard is a set of rules to carry out the Worker Right to Know Act passed by the Legislature in 1984. The rules require employers to train and inform their employees about hazardous chemicals in the workplace. You can read the full text of the Hazard Communication Standard (Washington Administrative Code WAC 296-62 Part C) on the L&I web site at: **http://www.wa.gov/lni/home/wacs.htm.**

This booklet can help you develop a program that meets the legal requirements contained in WAC 296-62-Part C. The regulation requires all employers of one or more persons to determine any chemical-related hazard their employees may be exposed to at work and provide information and training to their employees regarding those hazards.

The regulation also requires manufacturers and importers to determine if their products contain hazardous chemicals. If so, the manufacturer/importer must make hazard information available through distributors to users in the form of container labels and Materials Safety Data Sheets (MSDSs).

Employers who do not comply with the requirements of the Hazard Communication Standard could face safety and health citations and penalties.

Hazard communication rules alone can't stop chemical accidents. Employers and employees must be committed to safety and health to guarantee progress. A good worker right-to-know program is a positive step toward a safer and healthier workplace.

Specific provisions for laboratories, cargo handling, warehousing, retailers and multi-employer worksites

1. Laboratories

Hazard communication issues for laboratories are covered under the requirements for a written chemical hygiene plan in the Hazardous Chemcals in Laboratories Standard, WAC 296-62-400. Appendices A and B of the Hazard Communication Standard provide guidance in defining the scope of health hazards and determining whether or not a chemical is to be considered hazardous for the purposes of the Hazardous Chemicals in Laboratories Standard.

2. Cargo handling, warehousing and retailing

Employers have limited requirements under the Hazard Communication Standard for operations such as cargo handling, warehousing and retail sales where employees only handle chemicals in sealed containers that are not opened under normal conditions. Employers who only handle chemicals under these conditions are not required to prepare a written hazardous communication program.

Employers with these types of operations are required to:

- Ensure labels on incoming containers of hazardous chemicals are not removed or defaced.
- Maintain copies of all MSDSs received with shipments, ensure these MSDSs are readily accessible to employees during each workshift, and obtain an MSDS for any sealed hazardous chemical if an employee makes a specific request.
- Provide employees with information and training to the extent necessary to protect them in the event of a spill or leak of a hazardous chemical from a sealed container.

Retail businesses and warehousing operations must comply with the entire Hazard Communication Standard in regard to hazardous chemicals that are opened and used by their employees.

Retail distributors of hazardous chemicals must also provide MSDSs to customers with commercial accounts if they are requested. However, all foods, drugs, cosmetics or alcoholic beverages that are packaged for sale in retail establishments are exempt from any Hazard Communication Standard requirements. The retail distributor must post a sign or otherwise inform their customers with commercial accounts that MSDSs are available for hazardous chemicals upon request. Chemical manufacturers, importers and distributors do not have to provide MSDSs to retail distributors who have informed them that they do not sell any hazardous chemicals to commercial accounts or open the sealed container in their own workplace for use by employees.

Note: *A commercial account means an arrangement whereby a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time and/or at costs that are below the regular price.*

3. Multi-employer worksites

At multi-employer worksites where employers may produce, use or store hazardous chemicals in such a way that employees of other employers may be exposed to them, the employers must have the following elements covered in their written hazard communication program:

- Methods the employer will use to provide the other employers with a copy of MSDSs or make them available at a central location on the worksite.
- Methods the employer will use to inform the other employers of any precautionary measures that need to be taken to protect employees during normal conditions or in foreseeable emergencies.
- Methods the employer will use to inform the other employers of the labeling system used in the workplace.

Steps to a successful hazard communication program

1. Inventory all chemical products in your workplace.

It may help you to list the chemicals by area or process. Your list should identify chemicals by the reference used on the Material Safety Data Sheet (MSDS) and the label.

Determine which chemicals in your workplace are hazardous. The following are some ways to determine whether a product is hazardous:

- Words on the label, such as CAUTION, WARNING or DANGER indicate a chemical is hazardous.

- Check the product's MSDS for hazard information.

Note**:** *Consumer products are not considered hazardous where the employer can demonstrate they are used in the workplace in the same manner as normal consumer use, and where the use of the consumer product results in a duration and frequency of exposure to employees which is not greater than exposures experienced by consumers.*

- The following is a partial list of products that are usually hazardous:

Acids	Insecticides
Adhesives	Herbicides
Aerosols	Janitorial supplies
Battery fluids	Lacquers
Catalysts	Office copier chemicals
Caustics	Paints
Cleaning agents	Pesticides
Degreasing agents	Process chemicals
Detergents	Shellacs
Flammables	Solvents
Foaming resins	Surfactants
Fuels	Varnishes
Fungicides	Water treatments
Industrial oils	Wood preservatives

There are several lists that together make up a base of chemicals considered to be hazardous in all situations. These chemicals are:

- Any substances that have permissible exposure limits (PEL) under the Washington Industrial Safety and Health Act (WISHA) in Chapter 296-62 WAC.

- Any substances that the American Conference of Governmental Industrial Hygienists (ACGIH) has included in the latest edition of its annual threshold limit value (TLV) list.
- Any substances that the National Toxicology Program (NTP) or International Agency for Research on Cancer (IARC) has found to be suspected or confirmed carcinogens, or that WISHA regulates as carcinogenic in Chapter 296-62 WAC.
- Any substances that have PEL under the Occupational Safety and Health Act (OSHA), 29CFR1910 Subpart Z.

If you still aren't sure whether a chemical is hazardous, assume it is and request hazard information from the manufacturer or supplier.

2. Label hazardous chemical containers.

Check each container entering your workplace for appropriate labeling. Chemical manufacturers, importers and distributors must be sure that each container of hazardous chemicals they ship or sell is labeled, tagged or marked with the following information:

- Identity of the hazardous chemicals.
- Appropriate hazard warnings.
- Name and address of the chemical manufacturer, importer or other responsible party.

For manufacturers of solid metal (such as a steel beam or metal casting), solid wood or plastic items that may pose an exposure hazard due to its downstream use (i.e. welding), the label may be given to the customer/distributor at the time of the initial shipment, and does not need to be included with subsequent shipments to the same employer unless the label information changes. This also applies to shipments of whole grain.

In the workplace, containers into which hazardous chemicals are transferred must be labeled, tagged or marked with the identity of the hazardous chemical(s) and appropriate hazard warnings.

The identity may be any chemical or common name that is indicated on the MSDS and will permit cross-references to be made among the list of hazardous chemicals, the label and the MSDS.

The hazard warning must convey the hazard of the chemical. This is intended to be specific information regarding the hazard; the specific hazards indicated in the standard's definitions for "physical" and "health" hazards would be appropriate. Phrases such as "caution," "danger," or "harmful if inhaled" generally do not meet the intent of the standard by themselves. If, when inhaled, the chemical causes lung damage, then that is the appropriate warning. Lung damage is the hazard, not inhalation. There are some situations where the specific target organ effect is not known. Where this is the case, the more general warning statement would be permitted.

There are some instances when alternatives to in-house container labeling are acceptable:

- You may post signs that convey the hazard information if there are stationary containers with similar contents and hazards in the same work area.

- Various written standard operating procedures, process sheets, batch tickets, blend tickets and similar materials may be substituted for labels on stationary process equipment if they contain the same information as a label and are readily available to employees in the work area.

- You are not required to label portable containers in which hazardous chemicals are transferred from labeled containers and which are intended only for **immediate** use by the employee who makes the transfer. This is what the standard means when it refers to "immediate use."

- You are not required to label pipes or piping systems. However, other standards such as Chapter 296-79 WAC, Safety Standards for Pulp, Paper, Paperboard Mills, Finishing and Converters, do require pipes to be labeled.

There are hazardous substances that have specific labeling requirements under other standards. Several examples of other labeling requirements and the applicable rules are:

Carcinogens	WAC 296-62-07310
Lead	WAC 296-62-07521 (14)
Asbestos	WAC 296-62-07721
Hydrogen, Oxygen and Anhydrous Ammonia	WAC 296-24 Parts E & F
Coke oven emissions	WAC 296-62-20021
Formaldehyde	WAC 296-62-07540 (8)(b)(ii) & (13)(c)
Benzene	WAC 296-62-07523 (10)
Methylenedianiline	WAC 296-62-07621 (i)

3. Material Safety Data Sheet

The Material Safety Data Sheet (MSDS) is used to relay chemical hazard information from the manufacturer/importer to you, the employer. This is the information you need to inform and train your employees on the safe use of hazardous chemicals. You are required to have an MSDS for each hazardous chemical product you package, handle or transfer. This booklet includes a sample data sheet format (OSHA Form 174) and letter you may use to request MSDSs.

The MSDS file, as part of the written hazard communication program, must be maintained at the workplace. Where employees travel between workplaces during a workshift (i.e. their work is carried out at more than one geographical location), the MSDSs may be kept at a central location at the primary workplace facility. In this situation, the employer must ensure that employees can immediately obtain MSDS information in the case of an emergency or upon request.

Check each MSDS you receive. The Hazard Communication Standard specifies the minimum information that an MSDS must contain. There should not be any blank information items on the MSDS. If information is not available or if particular lines of information don't apply to the chemical, that must be indicated on the lines. A checklist for the minimum requirements is provided below.

Note: *Laboratories are required to keep MSDSs received for hazardous chemicals. If an MSDS is not received with a purchase, these employers aren't required to obtain one.*

As an employer, you may prepare your own MSDS. However, you then become responsible for the completeness and accuracy of the information it contains. An MSDS format (OSHA Form 174) provided by the Occupational Safety and Health Administration (OSHA) is used as an example on page 11. Use this form with the MSDS checklist to become familiar with this MSDS. The circled numbers on the form refer to items on the checklist. Note that items on the checklist don't always match the headings on the MSDS. Since there is no standard or uniform format, you will receive many different types of data sheets. No matter what format is used, every MSDS must contain the items of information on this checklist, and it must be presented clearly. If you receive an incomplete MSDS, you must request a complete one from the manufacturer or supplier.

The OSHA Form 174 data sheet (used as an example) meets the Hazard Communication Standard's requirements when completely filled out. The OSHA Form 20 data sheet does not satisfy all of the Hazard Communication Standard requirements.

Material Safety Data Sheet checklist

Each item below must be provided on every MSDS.

		Complete information? YES	NO
1.	Product or chemical identity used on the label	_____	_____
2.	Name, address and phone number for hazard and emergency information	_____	_____
3.	Date of MSDS preparation	_____	_____
4.	Chemical and common names of hazardous ingredients Note: *This includes all hazardous ingredients which comprise 1 percent or greater of the composition, except for chemicals identified as carcinogens, which must be listed if the concentrations are 0.1% or greater. Any chemical ingredient, even if less than 1% of a mixture (or less than 0.1% for a carcinogen), must be listed in the MSDS if there is evidence that the ingredient(s) could be released from the mixture in concentrations which would exceed established "acceptable" exposure limits or if the ingredient(s) could present a health hazard to employees.*	_____	_____
5.	WISHA/OSHA permissible exposure limit (PEL), American Conference of Governmental Industrial Hygienists (ACGIH) threshold limit value (TLV). This includes all 8 hr. TWA, STEL, ceiling values, shin notations and other applicable limits	_____	_____
6.	Physical and chemical characteristics, such as vapor pressure and flash point	_____	_____
7.	Physical hazards, including the potential for fire, explosion and reactivity	_____	_____
8.	Primary routes of entry into the body, such as inhalation, ingestion or skin absorption	_____	_____
9.	Acute and chronic health hazards, including signs and symptoms of exposure and medical conditions aggravated by exposure	_____	_____
10.	Carcinogenic hazard - National Toxicology Program (NTP) Annual Report on Carcinogens, International Agency for Research on Cancer (IARC) Monographs, or regulated by WISHA or OSHA Note: *If a chemical is not carcinogenic or if there is no information about its carcinogenicity, then information about item 10 does not have to be listed unless a blank is provided on the form.*	_____	_____
11.	Emergency and first aid procedures	_____	_____
12.	Precautions for safe handling and use including hygiene practices, repair and maintenance, protective measures, and spill/leak clean-up	_____	_____
13.	Exposure control measures such as engineering controls, work practices and personal protective equipment.	_____	_____

Material Safety Data Sheet

May be used to comply with OSHA's Hazard Communication Standard, 29 CFR 1910.1200. Standard must be consulted for specific requirements.

U.S. Department of Labor
Occupational Safety and Health Administration
(Non-Mandatory Form)

IDENTITY *(As Used on Label and List)* 1

Note: Blank spaces are not permitted. If any item is not applicable, or no information is available, the space must be marked to indicate that.

Section I

Manufacturer's Name 2	Emergency Telephone Number
Address *(Number, Street, City, State, and ZIP Code)*	Telephone Number for Information
	Date Prepared 3
	Signature of Preparer *(optional)*

Section II — Hazardous Ingredients/Identity Information

Hazardous Components (Specific Chemical Identity; Common Name(s))	OSHA PEL	ACGIH TLV	Other Limits Recommended	% *(optional)*
4		5		

Section III — Physical/Chemical Characteristics

Boiling Point		Specific Gravity (H_2O = 1)	
Vapor Pressure (mm Hg) 6		Melting Point	
Vapor Density (AIR = 1)		Evaporation Rate (Butyl Acetate = 1)	

Solubility in Water

Appearance and Odor

Section IV — Fire and Explosion Hazard Data

Flash Point (Method Used) 6	Flammable Limits	LEL	UEL

Extinguishing Media 7

Special Fire Fighting Procedures

Unusual Fire and Explosion Hazards

Section V — Reactivity Data

Stability	Unstable		Conditions to Avoid
	Stable		

Incompatibility (*Materials to Avoid*) 7

Hazardous Decomposition or Byproducts

Hazardous Polymerization	May Occur		Conditions to Avoid
	Will Not Occur		

Section VI — Health Hazard Data

Route(s) of Entry: Inhalation? 8 Skin? Ingestion?

Health Hazards (*Acute and Chronic*)

9

Carcinogenicity 10 NTP? IARC Monographs? OSHA Regulated?

Signs and Symptoms of Exposure 9

Medical Conditions
Generally Aggravated by Exposure

Emergency and First Aid Procedures 11

Section VII — Precautions for Safe Handling and Use

Steps to Be Taken in Case Material Is Released or Spilled

12

Waste Disposal Method

Precautions to Be Taken in Handling and Storing

Other Precautions

Section VIII — Control Measures

Respiratory Protection (*Specify Type*) 13

Ventilation	Local Exhaust	Special
	Mechanical (*General*)	Other

Protective Gloves	Eye Protection

Other Protective Clothing or Equipment

Work/Hygienic Practices 12

Sample MSDS request letter

Each hazardous chemical must have an MSDS. You may use this form to request one from your distributor or the manufacturer; telephone them for a complete address, if necessary.

Date

Manufacturer/Distributor
Address
City, State, Zip Code

Subject: Material Safety Data Sheet

Please send us a Material Safety Data Sheet (MSDS) for the products below:

1.
2.
3.

The MSDS is for our hazard communication program required by the Hazard Communication Standard. Please make sure each MSDS meets the requirements of WAC 296-62-054, Hazard Communication Standard (equivalent to 29 CFR 1910.1200, OSHA Hazard Communication Standard). Washington recognizes a complete and accurate OSHA Form 174 MSDS as complying with state requirements.

Thank you for your assistance.

Sincerely,

IMPORTANT: Keep a copy of each letter you send for your records.

4. Inform all employees about your hazard communication program; then identify and train your employees who could be exposed to hazardous chemicals.

All employees who work in an establishment where a hazard communication program is required must receive information about the establishment's hazard communication program. Those workers in the establishment who are directly exposed (or potentially exposed) to hazardous chemicals on the job must receive additional information and training on the particular hazards of the chemicals to which they are exposed or potentially exposed.

Before you can train the employees who are directly or potentially exposed to hazardous chemicals in your workplace, you must determine who they are and how they are affected. Here are some ideas for determining your training requirements.

- Follow each chemical from storage through use to disposal. Determine which employees are or could be exposed to it.

- Review your existing methods for controlling exposure to hazardous substances. List specific procedures for each work area and substance. To help organize your exposure control methods, think of them as three areas:
  1. *Engineering controls*, including exhaust ventilation systems, dust collection systems and process enclosures.
  2. *Administrative controls*, such as having a standby person for confined space entry, rotating employees to reduce exposure, lockout/tagout procedures, and substitution of a non-toxic or less toxic chemical.
  3. *Personal protective equipment* you provide such as respirators, gloves, boots, aprons, goggles and face shields.

- Review your current chemical handling procedures and compare them to recommended practices indicated on the label or MSDS. This will help identify where you may need to improve your procedures.

- List the emergency procedures for each work area and each substance. Good emergency response procedures help protect the safety and health of your employees and reduce the potential loss of property and equipment. An emergency is not the time to learn emergency procedures.

After you determine which employees are exposed to hazardous chemicals in your workplace, the next step is to develop a program to inform all employees and train those who are exposed or have the potential for exposure to hazardous chemicals. Here is an outline to help you.

A. The required elements of your program are:

1. Information**.** You must inform all employees of:
   - The Hazard Communication Standard requirements.
   - Any operations in their work areas that involve hazardous chemicals.
   - The location and availability of the written hazard communication program, including the list(s) of hazardous chemicals and data sheets.

2. Training. You must train employees who are exposed or potentially exposed about:
   - How they can detect the presence or release of hazardous chemicals.
   - Physical and health hazards of hazardous chemicals in the work area.
   - How they can protect themselves through work practices, emergency procedures and with personal protective equipment.
   - Details of the hazard communication program. This should include an explanation of the labeling system and Material Safety Data Sheets, and instructions on how to obtain and use hazard information.

Note: *The information and training your employees receive must be tailored to the types of hazards and exposures they encounter.*

B. To develop your employee training program:

- Review the data sheet and label for each hazardous chemical.
- Review your current chemical safety training methods.
- Prepare a chemical training program for both new and experienced employees, and provide training when a new chemical hazard is brought into the workplace.
- Consider a system for documenting employee training.

C. Organize the contents of your employee information and training program to ensure that it addresses all of the following:

- The requirements of the Hazard Communication Standard.
- Working situations where hazards are present.
- What the warning on container labels means.
- The location of your written hazard communication program, lists of hazardous chemicals and data sheets.
- How to obtain information from an MSDS.
- How to detect the presence or release of hazardous chemicals.

- Physical and health hazards of hazardous chemicals.
- How employees can protect themselves from overexposure, and what the symptoms of overexposure are.
- Exposure control methods, including work practices, engineering controls, administrative controls, personal protective equipment and emergency procedures.
- When and how to report leaks and spills.
- Where to get more information.

D. Employees may sign a form to verify that they attended the training and understand the company's hazard communication policy. This is not a requirement, but is a recommended option for your program.

Sample training certificate

I have received hazard communication training as described in the hazard communication program. Training was conducted on (date).

_____
Employee signature

_____
Social Security number

_____
Work area

I hereby certify that the above named employee has been provided with hazard communication training on (date).

_____
Instructor's signature

E. Follow up your training sessions. Be sure that employees know how to handle chemicals and are using the training they were given. If protective equipment is required, see that it is available and being used.

5. Develop and maintain at the workplace a written program that explains how you inform and train your employees about the hazardous chemicals in their workplace.

During a regular Labor and Industries inspection, the inspector will ask to see your written program. Be sure it is up-to-date. A sample written program is included in this booklet on page 18.

Your written program must include:

- **A list of hazardous chemicals known to be present in your workplace.** Indicate who is responsible for identifying hazardous chemicals, what criteria were used to evaluate the chemicals and a plan for updating your list.

- **Labels and other forms of warning.** Include a description of labels used, who is responsible for labeling requirements, written alternatives to labeling if you have any and a procedure to review and update label warning.

- **Material Safety Data Sheets.** Indicate how and where your MSDSs are to be maintained, who is responsible for them, your procedure for employee access, what you will do if you don't receive one for a product and how to update them with additional information.

- **Employee information and training procedures.** Describe your information and training program and who is responsible for it. Also, indicate how employees are informed about non-routine tasks.

- **How to inform employees of other employers** at the worksite about possible hazardous exposures, where to obtain copies of MSDSs, what personal protective measures need to be taken during the workplace's normal operating conditions and in foreseeable emergencies, and an explanation of the labeling system used in the workplace.

6. Sample written hazard communication program

Note: *This sample written hazard communication program (below) is only an outline to help employers develop effective policy and procedures on hazardous chemicals used in the workplace. Each employer must tailor his or her written program to the particular needs and characteristics of the establishment.*

A. Company policy

To ensure that information about the dangers of all hazardous chemicals used by (name of the company) are known by all affected employees, the following hazardous information program has been established:

All work units of the company will participate in the hazard communication program. This written program will be available in (the location) for review by any interested employee.

B. Container labeling

(The person and position) will verify that all containers received for use will be clearly labeled as to the contents, note the appropriate hazard warning and list the name and address of the manufacturer.

(The person and position) in each section will ensure that all secondary containers are labeled with either an extra copy of the original manufacturer's label or with labels that have the identity and the appropriate hazard warning. For help with labeling, see (person and position.)

Note: *If written alternatives to in-plant container labeling are used, add a description of the system used.*

(The person and position) will review the company labeling procedures every (time period) and update as required.

C. Material Safety Data Sheets (MSDS)

(The person and position) is responsible for establishing and monitoring the company MSDS program. (He) or (she) will make sure procedures are developed to obtain the necessary MSDSs and will review incoming MSDSs for new or significant health and safety information. (He) or (she) will see that any new information is passed on to affected employees.

Copies of MSDSs for all hazardous chemicals in use will be kept in (location.)

MSDSs will be available to all employees during each work shift. If an MSDS is not available, immediately contact (person and position.)

Note: *If an alternative to printed Material Safety Data Sheets is used (such as computer data), provide a description of the format.*

D. Employee training and information

(Person and position) is responsible for the company employee training program. (He) or (she) will ensure that all program elements specified below are carried out.

Prior to starting work, each new employee of (name of company) will attend a health and safety orientation that includes the following information and training:

- An overview of the requirements contained in the Hazard Communication Standard.
- Hazardous chemicals present at his or her workplaces.
- Physical and health risks of the hazardous chemical.
- The symptoms of overexposure.
- How to determine the presence or release of hazardous chemicals in his or her work area.
- How to reduce or prevent exposure to hazardous chemicals through use of control procedures, work practices and personal protective equipment.
- Steps the company has taken to reduce or prevent exposure to hazardous chemicals.
- Procedures to follow if employees are overexposed to hazardous chemicals.
- How to read labels and review MSDSs to obtain hazard information.
- Location of the MSDS file and written hazard communication program.

Prior to introducing a new chemical hazard into any section of this company, each employee in that section will be given information and training as outlined above for the new chemical hazard.

E. Hazardous non-routine tasks

Periodically, employees are required to perform hazardous non-routine tasks. Some examples of non-routine tasks are confined space entry, tank cleaning and painting reactor vessels. Prior to starting work on such projects, each affected employee will be given information by the person and position about the hazardous chemicals he or she may encounter during such activity. This information will include specific chemical hazards, protective and safety measures the employee can use, and steps the company is using to reduce the hazards, including ventilation, respirators, presence of another employee and emergency procedures.

F. Multi-employer workplaces

It is the responsibility of (person and position) to provide employers of any other employees at the worksite with copies of MSDSs (or make them available at a central location) for any hazardous chemicals that the other employer(s)' employee may be exposed to while working. (Person and position) will also inform other employers of any precautionary measures that need to be taken to protect employees during normal operating conditions or in foreseeable emergencies, and provide other employers with an explanation of the labeling system that is used at the worksite.

G. List of hazardous chemicals

The following is a list of all known hazardous chemicals used by our employees. Further information on each chemical may be obtained by reviewing MSDSs located at (location.)

MSDS identity: *(Here is where you put the chemical list developed during the inventory. Arrange this list so that you are able to cross-reference it with your MSDS file and the labels on your containers.)*

7. MSDS records retention

The Access to Records Standard, WAC 296-62-052, and the Hazard Communication Standard, WAC 296-62-054, overlap with regard to Material Safety Data Sheets (MSDS). MSDSs are specifically identified as exposure records under WAC 296-62-05205(5)(c).

Each MSDS received by an employer must be maintained for at least 30 years as required by WAC 296-62-05207(1)(b). The Access to Records Standard does offer an alternative to keeping the MSDSs, WAC 296-62-05207(l)(b)(ii), as long as record of the following is retained:

- Identity (chemical name if known) of substance or agent.
- Where it was used.
- When it was used.

Even though it is not required, it is recommended that the MSDS be retained in addition to the above information.

Whenever an employee or designated representative requests access to these records, the employer must assure that access is provided in a reasonable time, place and manner. See WAC 296-62-05209 for more information.

Hazard communication checklist

_____ 1. Have we prepared a list of all the hazardous chemicals in our workplace?

_____ 2. Are we prepared to update our hazardous chemical list?

_____ 3. Have we obtained or developed an MSDS for each hazardous chemical we use?

_____ 4. Have we developed a system to ensure that all incoming hazardous chemicals are checked for proper labels and data sheets?

_____ 5. Do we have procedures to ensure proper labeling or warning signs for containers that hold hazardous chemicals?

_____ 6. Are our employees aware of the specific information and training requirements of the Hazard Communication Standard?

_____ 7. Are our employees familiar with the different types of chemicals and the hazards associated with them?

_____ 8. Have our employees been informed of the hazards associated with performing non-routine tasks?

_____ 9. Do our employees understand how to detect the presence or release of hazardous chemicals in the workplace?

_____ 10. Are employees trained about proper work practices and personal protective equipment in relation to the hazardous chemicals in their work areas?

_____ 11. Does our training program provide information on appropriate first aid, emergency procedures and the likely symptoms of overexposure?

_____ 12. Does our training program include an explanation of labels and warnings that are used in each work area?

_____ 13. Does the training describe where to obtain data sheets and how employees may use them?

_____ 14. Have we worked out a system to ensure that new employees are trained before beginning work?

_____ 15. Have we developed a system to identify new hazardous chemicals before they are introduced into a work area?

_____ 16. Do we have a system for informing employees when we learn of new hazards associated with a chemical we use?

_____ 17. Do we have a records retention system that will retain the MSDSs or the alternative record for a minimum of 30 years?

Questions and answers about the standard

Material Safety Data Sheets (MSDS)

1. **If I buy a hazardous chemical from a retail outlet (such as rust remover from a hardware store or fertilizer from a nursery), who will provide the MSDS?**

   Retail distributors are only required to provide MSDSs to commercial customers who make requests. If you are not a commercial customer, you are responsible for requesting an MSDS from the manufacturer, importer or wholesale distributor.

2. **What should I do if I get an MSDS with blank spaces on it?**

   Contact the manufacturer or importer for a complete MSDS. The MSDS preparer must fill out the form completely. If information is not available or not applicable to the chemical, the form should be marked so.

3. **Who is responsible for the accuracy of MSDSs?**

   The manufacturer, importer or employer preparing the MSDS must make certain the information accurately reflects the scientific evidence used in making the hazard determination.

4. **Can computerized data sheet files be used as long as employees have proper access and knowledge of how to use them?**

   Yes. The standard says that an MSDS may be in any form as long as it contains the required information. You must make certain the required information is provided for each hazardous chemical and is readily accessible to employees in each work area on each shift.

5. **How often do MSDSs need to be updated?**

   Each MSDS must be updated within three months of the time the manufacturer, importer or employer learns of any significant new information pertaining to the hazards of the chemical or ways to protect against the hazards.

6. **Do I have to obtain MSDSs on hazardous materials we don't order or use very often?**

   Yes. You must keep an MSDS on each hazardous chemical used in your workplace.

7. **Will Labor and Industries approve all data sheets?**

   No. Labor and Industries does not approve the content of MSDSs, but will review them on a spot check basis for completeness and accuracy.

8. **Do MSDSs using the OSHA Form 20 or its format comply with the standard?**

   No. An MSDS that conforms to the OSHA Form 20 format requires additional information to comply with the Hazard Communication Standard. Because there is no standard format currently required, all MSDSs should be carefully reviewed to ensure they contain the information required by the standard. OSHA Form 174 is recognized as meeting the standard's current MSDS requirements.

9. Will Labor and Industries provide blank MSDSs for manufacturers to use?

Yes. Single copies of the OSHA Form 174, which meets the requirements of the standard, are available upon request from L&I. Call toll free 1-800-423-7233.

10. Do contractors have to make MSDSs available to their employees when they are working at non-fixed locations, such as construction sites?

Yes. MSDSs may be kept at the contractor's permanent base if employees leave and return on a daily basis. Contractors who establish a temporary base, such as a trailer at a work site, are required to have MSDSs available at the site.

11. Are laboratories required to obtain MSDSs for all hazardous chemicals, even those that are old or infrequently used?

No. Laboratories are only required to keep MSDSs that are received for hazardous chemicals. These MSDSs must be available to laboratory personnel at all times. L&I recommends that laboratories obtain as many MSDSs as possible to help in developing their training programs.

12. Are farm-chemical distributors required to provide MSDSs?

Yes. All manufacturers, importers and distributors must provide MSDSs to employers who purchase hazardous chemicals. This includes pesticide dealers. Pesticide applicators who sell pesticides are considered distributors for the purposes of the standard.

Labels and recordkeeping

13. Must labels and MSDSs be translated into a foreign language if the majority of workers don't speak English?

No. However, a reasonable effort must be made to inform all employees of the hazards in the workplace. Labor and Industries will, on request, provide translation assistance in the following languages: Cambodian, Chinese, Korean, Spanish and Vietnamese.

14. Do all containers need to be labeled?

No. Portable containers which meet the "immediate use" criteria of the standard do not have to be labeled.

15. Do pipes and piping systems need to be labeled?

No. The standard requires only containers to be labeled. Pipes and piping systems are not considered containers for the purpose of hazard communication. (Other regulations may require pipes and piping systems to be identified.)

16. Does a list of MSDSs satisfy the requirement of a hazardous chemical inventory?

Yes, as long as the product names or chemical names used on the inventory are the same as those used on the MSDSs and labels. A copy of the list must be made available to employees.

Training your employees

17. If there is more than one employer at a single jobsite, who is responsible for employee training?

Each employer must train his or her own employees. However, if an employer hires employees on contract from a

temporary employment service, the (hiring) employer is responsible for informing and training the worker(s) about hazardous chemicals at the worksite.

18. Do I have to train employees about handling each brand of chemical?

No. Different brands of the same chemical have the same hazard. Information and training about one brand is considered to apply to the other brands.

19. Do workers have to be retrained whenever a new brand is introduced into the work area?

No. However, workers must be retrained whenever a new chemical hazard is introduced.

20. Will employees who rarely encounter hazardous chemicals need to be trained?

Yes. Employees must be trained on any hazardous chemical to which they could be exposed. Training should address the type of exposure encountered and the degree of danger involved.

21. Does a packaged instructional program (such as TEACH) satisfy the requirements for training under the Hazard Communication Standard?

No. Packaged instructional programs can help to train your employees, but they will not completely satisfy the training requirements under the standard. You also need to create a written training program and provide training on the specific hazardous chemicals used in your workplace.

22. Is generic training acceptable if we use large numbers of chemicals?

Yes. The standard does not specify how training is to be performed, it only specifies who will be trained and the minimum content of the training. Grouping chemicals with similar hazards for training purposes is acceptable.

23. Do I have to keep records about who has received training on hazardous chemicals?

No. Documentation of employee training is not required by the standard, but the department recommends that you keep records to verify your compliance with the employee training requirements.

Some functions of Labor and Industries

24. What will Labor and Industries do about manufacturers or importers located outside Washington who do not provide MSDSs?

L&I will take administrative and legal action, if necessary, to get MSDSs from uncooperative manufacturers, importers or distributors. Federal OSHA will also assist in obtaining MSDSs.

25. Will Labor and Industries evaluate the validity of trade secret claims?

Yes, however L&I will use discretion in selecting specific claims for evaluation.

General provisions of the Hazard Communication Standard

26. If I don't get an MSDS with a product, can I assume it's not hazardous?

No. You should call or write the manufacturer and ask for an MSDS if you suspect a chemical may be hazardous.

27. Does a complete list of hazardous substances exist?

No. However, there are several sources that list hazardous substances or criteria for determining whether chemicals are hazardous. These include Appendices A and B of the Hazard Communication Standard, the general occupational health standards (Chapter 296-62 WAC), the latest edition of the ACGIH Threshold Limit Values Handbook and other sources listed in the Hazard Communication Standard.

28. Are all agricultural employees covered by the Hazard Communication Standard, including seasonal and temporary employees?

Yes. All agricultural employees who handle or are potentially exposed to hazardous chemicals must be included in the employer's hazard communication program. The only individuals who are exempt from the standard's requirements are the immediate family members of the officer of any corporation, partnership, sole proprietorship or other business entity or officers of any closely held corporation engaged in agricultural production of crops or livestock.

29. Are agricultural employers exempt from the requirements to develop a written hazard communication program?

No. All agricultural employers must develop a written hazard communication program if their employees can be exposed, under normal conditions of use or in a foreseeable emergency, to any hazardous chemical including a pesticide.

30. Are employees in agriculture considered exposed to hazardous chemicals if they enter treated areas after the restricted-entry interval specified on the pesticide label?

Yes. Employees may be routinely exposed to low levels of pesticide residues via dermal exposure after restricted-entry intervals have expired, or they could be exposed to pesticides from drift after application in adjacent fields. Employees are considered exposed to pesticides if they enter a treated area during a restricted-entry interval, within 30 days after a restricted-entry interval expires or within 30 days after pesticide application, if no restricted-entry interval is specified. If these conditions exist, employees must be trained in accordance with both the Hazard Communication Standard and the Worker Protection Standard.

31. As an agricultural employer, do I have to obtain material safety data sheets (MSDSs) for pesticides applied to my farm by a commercial applicator?

Regardless of who applies the pesticide, you must obtain MSDSs if your employees will enter a treated area during a restricted-entry interval, within 30 days after a restricted-entry interval expires or within 30 days after pesticide application, if no restricted-entry interval is specified.

32. As an agricultural employer, do I have to obtain MSDSs for pesticides in addition to the pesticide label?

Yes. Material safety data sheets must be obtained for all hazardous chemicals, including pesticides, that employees may encounter in association with work activities.

33. What does the Hazard Communication Standard require for labeling?

The Hazard Communication Standard requires that all workplace containers of hazardous chemicals, including pesticides, must be labeled, tagged or marked with at least the following information:

1. The common, chemical or product name.
2. Appropriate hazard warnings.
3. Name and address of the manufacturer (applies only to shipping activities).

Pesticide container labels regulated by EPA satisfy this requirement. However, the Hazard Communication Standard

says that pesticides cannot be put into unmarked containers and left unattended. Powered air spray tanks, hand-carried tanks or back pack tanks do not need to be labeled if the employee using the container personally transferred the chemical from a labeled container and the solution will be used immediately.

34. Can agricultural employers who use pesticides combine elements of their employee training and written hazard communication program with similar training or written materials that may be required under other federal or state pesticide regulations?

Yes. The intent of the standard is not to require duplicative programs if requirements overlap with elements of other regulations. However, the hazard communication program must include all chemicals and is not limited to pesticides.

35. What additional training requirements do I need to cover in my hazard communication program if I am already providing training required by the Worker Protection Standard?

Employers following the requirements of the Worker Protection Standard will, incidentally, have covered almost all the training and information requirements of the Hazard Communication Standard when pesticides are the only hazardous chemicals involved. In addition, "workers" must be trained on how to use and access MSDSs and labels. "Handlers" must receive training on how to use and access MSDSs. Both workers and handlers must also know where the employer's written hazard communication program is kept and what it covers. If there are hazardous chemicals in the workplace other than pesticides, employees must be instructed on h ow to identify them and how to use them safely.

36. Some of the newer office copy machines use hazardous chemicals that are enclosed in cartridges. Are employees who occasionally change these cartridges considered to be exposed to hazardous chemicals?

No. Employees who occasionally change “cartridge type” canisters of chemicals in office machines are not considered exposed and are not covered by the Hazard Communication Standard. However, an employee who even occasionally handles office machine chemicals that are not enclosed in cartridges would be covered by the standard for these hazardous chemicals.

37. Can I conduct my own hazard evaluation of a chemical?

Yes. If you choose not to rely on the manufacturer's or importer's hazard evaluation, you have the right to evaluate a chemical yourself. You must follow the requirements for hazard determination as defined in the standard. You will be responsible for the completeness and accuracy of the data sheet.

38. If my company is small, or I use only one or two hazardous chemicals, must I still comply with the standard?

Yes. You must comply with the Hazard Communication Standard no matter how small your company or how few hazardous chemicals you use.

39. Who is considered to be a chemical importer?

An importer is considered to be the first business within the customs territory of the United States that receives hazardous chemicals produced in other states or countries. Importers who are employers must also comply with the applicable sections of the standard.

40. Are off-the-shelf products covered under this standard?

Yes. Consumer products are considered to be hazardous if there are hazard warnings on the label that indicate a potential for physical or health hazards and your employees will be exposed in a manner not comparable to exposure experienced by the public.

41. How is radiation covered under this standard?

Since the purpose of the standard is protecting employees from hazardous chemicals, radioactive chemicals are covered. Other radioactive materials do not come under this standard but are covered under Title 402 WAC.

42. Does the standard apply to refuse collectors and landfill operators?

Hazardous chemicals purchased for use by refuse collectors are covered under this standard, but materials received for disposal are not. Workers are protected from the hazards of disposal through the accident prevention program required under WAC-296-24-040.

43. Are contractors required to notify employers about hazardous chemicals on a jobsite?

Yes. Just as employers have the obligation to notify contractors about hazardous chemicals at the worksite, contractors are required to provide MSDSs at a central location for each hazardous chemical to which the employees may be exposed. They are also required to inform the employer of any precautionary measures necessary as a result of hazardous chemicals they use, and provide an explanation of the labeling system used for their hazardous chemicals.

44. Are schools and colleges required to tell students of the hazards of chemicals, particularly in laboratories?

Laboratory assistants and students employed by the schools are covered under the standard and must receive information and training.

45. How are laboratories covered under the standard?

The standard covers laboratories involved in chemical and analytical research, quality control and general laboratory work. Laboratories have limited coverage under the standard, as described in WAC 296-62-05403.

46. How are pharmaceuticals covered by the standard?

Pharmaceutical drugs in their final form, such as pills, capsules and other goods packaged for retail sale are generally not covered. But drugs such as antineoplastic (chemotherapy) agents, drugs that may cause eye or skin irritation and drugs with carcinogenic potential or target organ effects are covered under the standard when employee exposure is possible.

47. Are wood products exempt from labeling and MSDS requirements?

Wood and wood products are exempt from the standard, but wood dust and chemical preservatives are covered and must be treated accordingly.

48. Are biological agents covered under this standard?

No. Biological agents, such as micro-organisms, are not included in the definition of a chemical.

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