

Hazardous Communication Program (Employee Right to Know)

JULY 2015 UPDATE

Right to Know refers to OSHA's Hazardous Communication Program, which requires employers to provide employees with information regarding chemical hazards in the workplace. OSHA's position is that state standards can be enforced only under the auspices of a state plan approved by OSHA, which means the following requirements represent the minimum national standards.

The Hazardous Communications (HazCom) Program requirements include:

- Identifying all chemical hazards in the workplace.
- A written Hazardous Communications Program.
- Safety Data Sheets (SDS) for every chemical in the workplace.
- Labeling of all chemical product containers in the workplace.
- Identification of the individual responsible for the HazCom program.
- Training of all employees on the HazCom program.

The written HazCom Program must be maintained at each job site in either hard copy or digital format and be readily accessible to all employees at all times. The content must include:

- An inventory list of all hazardous material at the site that includes a product identifier for each chemical known to be present that aligns with the SDS and label.
- A plan on how to disseminate information on new chemical hazards brought about by non-routine tasks and the hazards associated with chemicals contained in unlabeled pipes in their work areas.
- Designation of the person responsible for maintaining SDSs, and the procedure for maintaining SDSs (e.g., in notebooks in the work area(s), in a pick-up truck at the jobsite, etc.), including the following:
 - ☐ Procedures on how to retrieve SDSs electronically if a digital system is used, including backup systems to be used in the event of failure of the electronic equipment, and how employees obtain access to it.
 - ☐ Procedure to follow if a SDS is not received at the time of the first shipment.
 - ☐ Procedure to follow if it is suspected that a SDS is not appropriate (e.g., missing hazards).
 - ☐ Procedure to follow to determine if the SDS is current.

Note: Employers assume no responsibility for the content and accuracy of the SDS provided to them by the manufacturer, importer or distributor *unless* the employer changes the SDS, at which point they become responsible for its content.

- Designation of the person responsible for employee training and procedures for conducting the training (e.g., written, visual presentation using slides, verbal). The training description must also include the procedure to train new employees at the time of their initial assignment and when a new hazard is introduced into the workplace.

Products covered by the HazCom Program that are normally found in a fast lube center include:

- Oils and greases
- Transmission Fluids
- Antifreeze
- Fuel system cleaners
- Engine flush chemicals
- Engine oil and fuel additives
- Parts cleaner/solvents
- Cleaning solutions

What's New: You may have noticed the change from *Material* Safety Data Sheets to Safety Data Sheets in the section above. This change is part of the HazCom standard amendments to comport with what is known as the international Globally Harmonized System (“GHS”). The three major changes to Hazcom involve the following four subjects:

Hazard classification: The definitions of hazard have been changed to provide specific criteria for classification of health and physical hazards, as well as classification of mixtures. These specific criteria will help to ensure that evaluations of hazardous effects are consistent across manufacturers, and that labels and safety data sheets are more accurate as a result.

Labels: Chemical manufacturers and importers will be required to provide a label that includes a harmonized signal word, pictogram, and hazard statement for each hazard class and category.

Precautionary statements must also be provided.

http://www.osha.gov/Publications/HazComm_QuickCard_Labels.html

Safety Data Sheets, formerly Material Safety Data Sheets, will have a new, specific 16-section format.




http://www.osha.gov/Publications/HazComm_QuickCard_SafetyData.html







Effective Completion Date	Requirement(s)	Who
December 1, 2013	Train employees on the new label elements and safety data sheet (SDS) format.	Employers
June 1, 2015* December 1, 2015	Compliance with all modified provisions of this final rule, which includes employee re-training on entire program except: The Distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label	Chemical manufacturers, importers, distributors and employers
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers

NOTE: During the transition period, everyone has the option of complying with either the pre-existing standard or the revised, final standard in 29 CFR 1910.1200. However, manufacturers and shippers may begin using new Safety Data Sheet format immediately, which is why employers have an early deadline for training employees regarding that new format.

Employers should continue to update safety data sheets when new ones become available, and provide training on the new label elements and update hazard communication programs if new hazards are identified. Other relevant agencies like the Department of Transportation and the Environmental Protection Agency are also participating in this harmonizing effort with GHS.

New HazCom Standard Pictograms and Hazards

Health Hazard 	Flame 	Exclamation Mark 
<ul style="list-style-type: none"> • Carcinogen • Mutagenicity • Reproductive Toxicity • Respiratory Sensitizer 	<ul style="list-style-type: none"> • Flammables • Pyrophorics • Self-Heating • Emits Flammable Gas 	<ul style="list-style-type: none"> • Irritant (skin and eye) • Skin Sensitizer • Acute Toxicity (harmful) • Narcotic Effects

<ul style="list-style-type: none"> • Target Organ Toxicity • Aspiration Toxicity 	<ul style="list-style-type: none"> • Self-Reactives • Organic Peroxides 	<ul style="list-style-type: none"> • Respiratory Tract Irritant • Hazardous to Ozone Layer (Non Mandatory)
<p>Gas Cylinder</p> 	<p>Corrosion</p> 	<p>Exploding Bomb</p> 
<ul style="list-style-type: none"> • Gases under Pressure 	<ul style="list-style-type: none"> • Skin Corrosion/ burns • Eye Damage • Corrosive to Metals 	<ul style="list-style-type: none"> • Explosives • Self-Reactives • Organic Peroxides
<p>Flame over Circle</p> 	<p>Environment (Non Mandatory)</p> 	<p>Skull and Crossbones</p> 
<ul style="list-style-type: none"> • Oxidizers 	<ul style="list-style-type: none"> • Aquatic Toxicity 	<ul style="list-style-type: none"> • Acute Toxicity (fatal or toxic)

Special Notes from OSHA's Instruction to Inspectors #CPL 02-02-079:

- During the transition period before the effective dates, manufacturers, importers, distributors and employers may be in compliance with the HazCom Standard from 1994, the HazCom Standard as amended in 2012, or both. However, during the transition period, when a violation exists under either version of the regulation, citations will be issued for *both* standards.
- Older versions of SDSs (or MSDSs) may still need to be maintained as an employee exposure record under OSHA's Access to employee exposure and medical records standard, 29 CFR 1910.1020, which means it would be wise to keep an archive of replaced MSDSs.
- The new HazCom standard does not *require* employers to proactively contact manufacturers, importers or distributors to obtain new SDSs of products for which they currently have MSDSs. However, if a new SDS is provided, the employer will be cited for not using it.
- Employers may contact manufacturers, importers or distributors of products they have previously ordered from to request new SDSs, and if they do so, the manufacturer or importer *must* provide the SDS under section 1910.1200(g)(6)(iv).