

# Compliance Magazine™

## FEDERAL REGS

### Summaries of significant federal actions and regulations

#### OSHA Hazard Communication Standard

29 CFR Part 1910.1200

OSHA's hazard communication standard does not include complicated technical requirements, but it remains the most frequently violated OSHA general industry rule year after year. Most recently, federal OSHA cited employers for 7,174 violations with initial assessed penalties totaling \$2,246,652 during the period from Jan. 1, 2005, through Dec. 31, 2005.

OSHA designed the rule to take a "performance-oriented" approach, which means that the standard outlines what needs to be done, but the details are left up to the employer.

Most employers are concerned with four of the standard's basic requirements:

- Written hazard communication program.
- Labels and other forms of warning.
- Material safety data sheets (MSDSs).
- Employee information and training.

Each of these requirements has unique challenges.

#### Hazcom Facts

Number of violations = 7,174

Total penalties = \$2,246,652

Source: OSHA, statistics for fiscal year 2005.

#### Written Program

The written program describes how the employer meets the requirements for labels and other forms of warning, MSDSs, and employee information and training. Compliance officers expect the written program to indicate who, whether by job title or name, follows which procedures to address these responsibilities. Employers are challenged to provide enough detail to clearly describe the program without having to make revisions after every slight change in the workplace.

One part of the written program that will likely need ongoing revision is the list of the hazardous chemicals known to be present. OSHA expects the list to use the identity referenced on the MSDS so employees easily can match a product on the list to its MSDS.

Fortunately, OSHA does not require the list to include inventory amounts, and employers can set up one list for the entire workplace or break it up into lists for individual work areas.

#### Labels and Other Forms of Warning

In general, the standard keeps the labeling requirements easy. When chemicals are in their original containers, employers can rely on the existing warning labels.

The sticker frenzy starts when chemicals are transferred to other containers. OSHA requires in-house labels, tags and markings to include the identity of the hazardous chemical(s) and the appropriate hazard warnings. OSHA minimizes this burden by not specifying label placement or size. The goal is for employees to use the labels to recognize an immediate warning and then go to the MSDS for the details.

In trying to simplify labeling requirements, OSHA may have actually complicated some situations. If an employee transfers a chemical from a labeled container into a portable container for immediate use by that employee, the portable container does not need a label. The trouble starts when the employee wants to use the container the next day or give it to a coworker. At this point, employers have to depend on employees to follow the procedures to ensure these containers are labeled.

#### Material Safety Data Sheets

Obtaining MSDSs from suppliers and filing them by common name sounds easy, but MSDSs have a way of hiding with shipping papers, invoices and cartons. One way to round up incoming MSDSs is to include an MSDS request and related mailing instructions on company purchase orders. When employees buy chemical products from a store or bring in samples from customers or suppliers, they need to know how to turn in the MSDSs to the appropriate person. Each MSDS has to be examined to determine if it is for a new chemical or if it is a duplicate or a

revision.

Employers can set up a computerized database to help organize the constant influx of MSDSs. The record for each MSDS can link to its preparation date, manufacturer and the location where it is used in the facility. This information will help employers make sure the most current MSDS is available to the employees who use the chemical.

#### Employee Information And Training

Employees have to be informed about chemical hazards in a way that they can understand without being scared into not wanting to do their jobs. Including discussions on exposure monitoring, control measures, safe work practices, personal protective equipment, and emergency procedures demonstrates that the employer has a handle on the hazards and that employee safety is a real concern.

Employees who understand how the hazard communication program improves their safety will be eager to help make the program a success. An effective program will keep the company from adding to the statistics for OSHA's most-violated standard. **CM**

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#### Communicating Hazards to Non-English Speakers

Many OSHA regulations call for the use of English signs and labels. However, employers are beginning to realize that there is a language barrier that accounts for greater rates of injury and illness for those who do not understand English. One solution may be to select sign and label formats that incorporate both English and another primary language.

Source: KellerOnline, an online safety management tool from J. J. Keller & Assoc.