



## Dispelling common MSDS myths

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*Some simple truths about compliance may surprise you*

OSHA's Hazard Communication Standard (HCS) is designed to be a "performance standard," meaning that its requirements allow companies a certain degree of flexibility in applying the standard to their particular workplace. While this flexibility can be an advantage to companies, allowing them to design a hazard communication program tailored to their needs, the guidelines can also leave some users asking questions.

Below are some of the some common myths about material safety data sheet (MSDS) compliance and how OSHA has addressed some of these issues in the past.

**Myth #1: "There are only one or two approved formats for an MSDS."** It is perfectly acceptable and compliant for a manufacturer, distributor or importer to develop an MSDS in any format that best suits their needs. This flexibility is even written into the standard: Section 29 CFR1910.1200(g)(10) states that no standardized template is required when producing an MSDS.

However, each MSDS must have, at a minimum, enough data to allow an employer/employee to easily identify the product, determine the physical and health hazards of the material, and contact the manufacturer, distributor or importer for additional information if necessary. OSHA offers a template for MSDSs ([www.osha.gov](http://www.osha.gov)), and the American National Standards Institute (ANSI) standard (Z 400.1) extends OSHA's eight-part MSDS into 16 sections.

**Myth #2: "If a product is produced overseas, you need to contact the foreign manufacturer for questions."** OSHA has clarified in a letter of interpretation that products produced and imported from overseas manufacturers must list the importer or other domestic responsible party as the main contact for additional technical product information. MSDSs forwarded without a U.S. contact that can answer specific questions about the chemical are not considered adequate by OSHA.

**Myth #3: "An MSDS must include regulatory information including NFPA, HMIS, and Transportation classification."** While the MSDS can often be an excellent tool for accessing such information, OSHA does not require it on MSDSs under the HCS. The HCS was written to protect employees by educating them about the hazards of the chemicals in their work environments. Therefore, just because information required by the Department of Transportation or the fire department isn't printed on the MSDS does not mean it is non-compliant.

If a company requires employees to identify this information from an MSDS, then it needs to provide additional training on how to classify products to National Fire Protection Association (NFPA), Hazardous Materials Information System (HMIS) and/or Transportation regulations based on the physical and chemical property data provided by the MSDS or other sources.

**Myth #4: "Every shipment of a product must have an MSDS enclosed."** A manufacturer or distributor must include an MSDS the first time a product is shipped to a company and with the first shipment after the MSDS is updated or changed. The manufacturer/distributor often includes an MSDS with each subsequent shipment for convenience sake, to ensure that the customer in fact has the MSDS.

**Myth #5: "Hard copy MSDSs must be kept on the premises at all times in order to comply with OSHA's requirements."** As previously mentioned, many regulatory agencies, including local agencies such as fire departments, use MSDSs as a tool for identifying various hazardous materials that may be stored or transported by companies within their jurisdiction. These agencies sometimes impose requirements extending beyond the OSHA HCS mandating that MSDSs be stored in a binder on-site, or even in a fire-proof box outside the building.

However, OSHA only requires that MSDSs be readily available to employees without "barriers to access," and electronic access to this information is permitted. But keep in mind that some companies may restrict employee access to the Internet or to computers if such access is not a necessary component of their job functions. This lack of computer access could translate into restricted access to MSDSs and would violate the requirements of the HazCom standard.

**Myth #6: "Keeping the MSDS sent from the vendor on file is all a company needs to do for compliance."** Actually, while the standard does afford companies a great deal of flexibility when applying the standard to their workplace, HCS compliance is a bit more complex than just filing away a sheet of paper that may come with a chemical delivery.

All employees who may be affected by a particular hazardous material in their work areas must be trained on how to access and read the MSDS associated with the hazardous product in question. MSDSs are only truly accessible - hence, making the company's hazard communication program compliant - if an employee can match the correct MSDS to the product with which he or she is working.

### ***SIDEBAR: The ABCs of MSDS***

**HCS** - The Hazard Communication Standard (HCS), 29 CFR 1910.1200, applies to all chemicals produced or imported into the U.S. that could harm employees who are exposed to them under normal conditions of use or in a foreseeable emergency. The standard requires that employers develop a written hazard communication program, label containers of hazardous materials, provide employees with training, and make MSDSs readily available to all workers on all shifts.

**"Readily accessible"** - As long as employees can get the information when they need it, any approach may be used. There can be no "barriers" to immediate employee access to MSDSs. OSHA considers a "barrier" to be things such as: employees having to ask a supervisor for an MSDS; MSDSs that may be locked in a desk or office and unavailable; an employee not being trained to electronically access MSDSs, if they are kept electronically.

**English language** - The HCS states that MSDSs must be written in English. However, employers can offer copies of MSDSs in other languages for workers who do not speak English or who do not read English at a level necessary to understand the MSDS.

**How long do I keep MSDSs?** - OSHA encourages employers to discard outdated MSDSs or MSDSs for products that are no longer in the workplace. Employers are required to retain employee medical and exposure records, under 29 CFR 1910.1020, for the lifetime of the exposed employee's employment plus 30 years. MSDSs are one type of exposure record, and if they are being used that way, they must be kept for the time period specified.

**Do I need paper copies of every MSDS?** - OSHA has always allowed the use of microfiche, computers or fax for MSDS storage and retrieval. If using an electronic system, employees have to be trained on how to access the information, and a backup system is required for certain situations, such as a power failure. In an October 13, 1998, letter of interpretation, OSHA states that the use of telephone transmittal of hazard information in "emergency" situations is acceptable.

**Who supplies the MSDS?** - Manufacturers, importers and distributors are responsible for ensuring that their customers are provided MSDSs. While MSDSs need not be physically attached to a shipment, they must accompany or precede the shipment. If they do not, the employer is obligated to obtain one from the chemical manufacturer, importer or distributor as soon as possible. The same is true if an MSDS arrives that is incomplete or unclear.