

MSDS Gone Wild!

Jul 7, 2008 12:00 AM, By Greg Klima

Oh no! We have a serious problem. The plant office manager ran into my office with a frantic look of panic on her face. The company safety inspectors are here and they want to see an MSDS on the Wite-Out. What will we do?

This scenario, while fictitious, is played out a thousand times every year in facilities all across our nation. We all have learned the OSHA rules of hazard communication, 29CFR1910.1200. The purpose and design of the program is excellent: that any chemicals produced or imported are evaluated for hazards and those hazards are then communicated to the employees and employers who might come in contact with them.

As a result of this policy, we have built binders of MSDSs that now are a familiar site in the workplace. New technology has allowed some employers to digitalize their MSDSs and make them available online, but the principle remains the same. Drilled into us from day one as safety professionals was that we MUST have an MSDS on any chemical in the facility.

As a basic rule it was good, and we learned to conduct regular audits of our MSDSs to keep them updated. We audit our facilities for new chemicals or chemicals that may have been missed and for chemicals that may have been eliminated and thus no longer need to be included. We got really good at this hazardous communication thing.

But then we let our absolutes get in the way of common sense. We started asking questions about chemicals that for some reason were not included. Why didn't we have MSDSs on these things? A can of diet soda might contain citric acid, sodium benzoate and brominated vegetable oil. I don't have an MSDS on brominated vegetable oil. I don't even know what brominated vegetable oil is. How much is in every can? Is there a cutoff or a minimum threshold level? If I only have one am I OK? What if I have a case? How many cans are there in a soda machine?

Panic begins to set in! What about our first aid kit? It is full of medications and ointments. I don't have MSDSs on them either. Oh no! What am I to do?

My suggestion? Relax! While it may fly in the face of what we teach and have been taught, we do not have to have an MSDS on every chemical in our facilities. As with all other workplace rules, we will find the truth if we return to the regulations. Once we know the truth, the truth will set us free.

SO WHEN DO I NOT NEED AN MSDS?

OSHA's 29 CFR 1910.1200 actually is very specific about exceptions to its application and scope. MSDSs only are one tool of our hazardous communication standard. In its statement of purpose – 29 CFR 1910.1200 (a) (1) – the regulation clearly states that, "This transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, material safety data sheets and employee training." So, MSDSs are just one form of communication. Other things, like container labels, are important too, and many items that are regulated by other government agencies do not require separate MSDSs.

29 CFR 1910.1200 (b) goes into detail about what kinds of chemicals are exempt from this rule. For example, 1200 (b) (4) applies to facilities where employees handle chemicals in sealed containers but do not open them under normal conditions (such as in warehouses or even retail sales). These facilities must keep copies of MSDSs they receive with hazardous shipments and must obtain an MSDS for any hazardous chemicals received without one if an employee requests it. But if no MSDS is received and no employee requests it, facilities are not required to have one on file.

Section 1200 (b) (5) (i) says that pesticides, insecticides, fungicides and rodenticides do not require labeling under 29 CFR 1910.1200. These labels are regulated by EPA instead of OSHA.

1200 (b) (5) (ii) says that chemicals and chemical mixtures defined in the Toxic Substances Control Act (15 USC 2601 et seq.) are exempt. Like the pesticides, they are regulated by EPA.

1200 (b) (5) (iii) says that foods, food additives, color additives, drugs, cosmetics, medical and veterinary devices and their ingredients are exempt. These items are regulated by the U.S. Food and Drug Administration, rather than OSHA.

1200 (b) (5) (iv) says that beverage alcohols including wine and malt beverages are exempt. These items are regulated under the Bureau of Alcohol, Tobacco, and Firearms.

1200 (b) (5) (v) states that any consumer product or hazardous consumer substance is exempt. These items are regulated by the Consumer Product Safety Commission.

1200 (b) (5) (vi) says that agricultural and vegetable seeds are exempt. These are regulated by the U.S. Department of Agriculture.

In addition, **29 CFR 1910.1200 (b) (6)** offers 12 categories of hazardous chemicals to which the regulation does not apply:

- Hazardous waste (regulated by EPA)
- Hazardous substance (EPA again)
- Tobacco or tobacco products
- Wood or wood products
- Articles not of a fluid or particle nature
- Food or alcoholic beverages intended for personal consumption
- Drugs
- Cosmetics packaged for sale to consumers or intended for personal use
- Any consumer product
- Nuisance particles that do not pose physical or health hazards
- Ionizing and non ionizing radiation
- Biological hazards

So, while the hazardous communication standard is widespread in its application, it is not all-inclusive. The next time someone in your workplace comes to you in a panic because the big yellow book does not contain an MSDS for Suzy's lip gloss, Gary's energy drink, the antibiotic cream in the first aid kit or the window cleaner in the janitor's cart, don't panic. Read the regulations and check paragraphs (b) (5) and (b) (6) before you try to find an MSDS on these items. They well may be exempt.

Whether you know you're dealing with a substance covered under 29CFR1910.1200 or have questions about a substance, check the regulations! While some chemicals may not require MSDSs, they might have separate labeling, storage and use requirements.

Greg Klima has been a safety and environmental manager for over 15 years and currently is the plant engineer for the Moog Components Group operations in Murphy, N.C., where he is responsible for facility maintenance, environmental compliance and safety. He has a bachelor's degree in mechanical engineering from Georgia Tech.

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RESPONSES TO THE ABOVE ARTICLE

Rick thackerson

If the store has a web sight, visit that sight and look for MSDS listings. Or you can call the store and have them Fax or Mail you a copy of the MSDS. The same can be done using the Manuf. Web sight or 1-800 number listed on the products.

Scott Klackner

Is their any tool or complete list of things that we do not need MSDS for. A easily way to manage MSDS we need. At our company our manager is collecting MSDS for every thing. Salt we use to melt ice, floor dry, water used at eye wash stations ect.... We have four huge binders of MSDS and growing. Any suggestions?

Bill Morgan

The article above is a good reference. I am a trainer and run into this with companies "all the time". Here are a few options: a) You can call OSHA (OSHA.gov, state drop down on lower left will give your area office) and ask- they are helpful. While this sounds scary, they don't ask for your name or company info or track down callers. People are already afraid enough to call without OSHA adding to their fears. b) They also offer a free consultation service ("Consultation offices" on the state drop down list) but this does obligate you. c) Consultants are an option. d) Vendors also e) websites (OSHA.gov, msds.com ...)

I caution against a "throw it all against the wall and see what sticks" approach. Just getting MSDS's for everything under your roof doesn't show a concern for the regulation. (Not determining how it really applies to your company and what is actually required to comply is really a direct negligence.)

You are correct to inquire and be interested. I applaud your effort and encourage your boss to follow through.