UNITED STATES POSTAL SERVICE®

Management Instruction

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Unit	

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Vice President
Human Resources

Hazard Communication Programs

This instruction establishes responsibilities and procedures for informing employees on the identities and hazards of the chemicals they use, and for compliance with 29 Code of Federal Regulations 1910.1200, Hazard Communication.

CONTENTS

Policy

Responsibilities

Headquarters

Safety and Risk Management, Human Resources develops policies and provides technical guidance relating to chemical hazard communication.

Maintenance Programs and Policies, Engineering establishes procedures (e.g., MS-1, *Operations and Maintenance of Real Property*) for implementing hazard communication programs for plant maintenance operations.

Fleet Maintenance, Operations Support establishes procedures for implementing hazard communication programs for vehicle maintenance operations.

Purchasing requires purchasing service centers to review requisitions for the presence of Environmental Protection Agency (EPA) targeted chemicals (see Field below).

Area Offices

Area Human Resources monitors and evaluates field hazard communication programs.

Field

Facility managers are responsible for ensuring that a hazard communication program is established for the facility that transmits information to employees on the hazards of chemicals they use by means of labels, material safety data sheets (MSDSs), and training.

Safety and health professionals assist management by coordinating with and advising maintenance and other managers on hazard communication programs, reviewing MSDSs, assisting with training, and inspecting for compliance.

Plant Maintenance, Vehicle Maintenance, and other managers and supervisors whose employees work with chemicals are responsible for inventorying chemicals used in the workplace and establishing a written program. They are also responsible for maintaining MSDSs at the work site or nearby as appropriate, checking that all containers are labeled when required, and ensuring the employees are trained to follow manufacturer's instructions and safety precautions in accordance with the standard's requirements.

Local officials responsible for procuring chemicals used for any purpose (e.g., cleaners, finishes, and solvents) coordinate with local safety and health offices to review MSDSs before purchase, and ensure that MSDSs for new products are supplied to maintenance and safety. (Consumer products and articles used in the same quantity and manner as in a home or household environment are exempt from hazard communication requirements (see Chemical Inventory)).

Purchasing specialists contact requiring activities to determine if products contain any of the 17 EPA targeted chemicals and recommend that the requiring activity seek an alternative when these chemicals are discovered.

All personnel who introduce chemicals into the workplace are responsible for ensuring that MSDSs are reviewed (in conjunction with safety and health) before use. The least hazardous substance that effectively and economically does the job is used (see Review and Use of Hazardous Chemicals). Responsible managers check that precautions on the MSDSs are followed to protect postal employees and customers. All contractors must have established a hazard communication program for their employees who use chemicals. When the Postal Service provides materials for contractor use (e.g., custodial supplies), MSDSs must be supplied to the contractors.

T**he Technical Training Center (TTC)**, Norman, OK, provides hazard communication training through the Postal Satellite Training Network (PSTN), the Postal Audio Training Network (PATN), and on-site (see Training).

Program Elements and Compliance

This section briefly describes program elements required by the hazard communication standard and ways in which field managers can comply. For more information refer to Attachment 1, OSHA 3084 Excerpts, and the text of the OSHA standard.

Chemical Inventory

A list of all hazardous chemicals used in the facility must be prepared and reviewed annually. Survey the facility and identify what is present and check procurement records. This is also a good time to eliminate unnecessary or toxic chemicals from the facility (see Review and Use of Hazardous Chemicals). Note that OSHA exempts consumer products and articles from the requirements of the standard if the frequency or duration of use does not exceed what a reasonable person would concede to be normal consumer use in a home or household environment. For example, a postmaster using an ammonia cleaner once a week to clean a lobby in a small office should be exempt, but a custodian using ammonia daily to clean restrooms should not be exempt.

Refer to Attachment 3 for OSHA's interpretation. The inventory list should be kept current and available in a central location (see 1910-1200 (f) (5) for details on how to conduct an inventory).

Written Program

A written program is the key OSHA program element. The TTC provides, on request, a generic written program on disk (see Training for a phone number). Additionally, there are many commercial suppliers of computerized hazard communication programs. OSHA considers the following elements to be critical:

1. Labels and other forms of warning.
    a. Designation of maintenance persons responsible for ensuring labeling of in-plant containers.
    b. A description of labeling system(s) used.
    c. Procedures to review and update label information when necessary.
2. MSDSs.
    a. Designation of maintenance persons responsible for procurement of chemicals, obtaining and maintaining MSDSs, and determining how safety will review MSDSs.
    b. Procedures for maintaining MSDSs (e.g., notebooks in work area, computer files) and access by employees.
    c. Procedures for actions when MSDSs are not received with first shipment.
3. Training.
    a. Designation of maintenance persons responsible for conducting and administering training.
    b. Format of the program to be used (PSTN, off-the-shelf, postal).
    c. Elements of the training program (see 1910.1200 (h) (1) and (2)).

d. Procedures to train new employees and to update current employees when a new hazard is introduced.

e. Procedures for training employees when contractors or other nonpostal persons may introduce a hazard (e.g., renovation, alterations projects).

4. Other Topics.

a. Description and location of the inventory list.

b. Procedures for training employees on risks of nonroutine tasks.

c. Procedures for dealing with contractors.

d. Procedures for making the written program available to employees and unions.

Training

Employees must be trained at their initial work assignment or when new chemicals or operations are introduced. Managers and safety personnel must, based on inspections and evaluations, determine if and when refresher training of employees is warranted.

Postal training is currently available through the TTC. Contact the TTC staff at 405-366-4391.

TTC Course

- **Hazard Communication EHS09-1 and -2 or -5** (technical aspects of the standard).
- **Hazard Communication Implementation EHS09-4 or -7** (establishing and managing a hazard communication program).
- **Hazard Communication OJT Facilitator EHS09-3 or -6** (facilitating local aspects of training sessions).

To facilitate training of maintenance, custodial, and other employees who routinely work with chemicals, a short training course is under development that will supplement the longer and more technical courses. Availability to the field for local or PSTN broadcast use is planned for FY 96.

Safety and health professionals without prior hazard communication training should take the TTC courses EHS09-1 or -2, and EHS09-4. Training in basic industrial hygiene is also recommended (contact Safety and Risk Management for information on National Safety Counsel industrial hygiene training).

Maintenance managers and supervisors designated to manage aspects of the program should also take TTC courses EHS09-1 or -2 and EHS09-4.

Inspections and Evaluations

During annual and semiannual safety inspections, pay attention to program implementation. Include a review of the written program to ensure that it is current.

Managers and supervisors responsible for tasks involving the use of chemicals should routinely check labeling, use of safe work practices and personal protective equipment, and availability of MSDSs.

Review and Use of Hazardous Chemicals

It is Postal Service policy to avoid the use of hazardous chemicals if possible, and to use the chemical that is the least toxic and hazardous to the environment available for the task. Few if any postal operations require use of chemicals with a high hazard potential.

MSDSs Review

Trained safety and health personnel assist with review of MSDSs. The goal is to determine if the ingredients pose a hazard during use, storage, transportation, and disposal. They consult with environmental compliance coordinators (ECC) as necessary. Technical questions should be referred to area human resource analysts, Safety and Health, ECCs, or Safety and Risk Management.

It is not always an easy task to determine if an ingredient poses an unacceptable or unnecessary hazard to employees, customers, or the environment. Chemical names can be confusing, MSDSs are not always fully informative or accurate, and an understanding of basic industrial hygiene concepts is often necessary. However, there are some basic rules of thumb when evaluating MSDSs. When feasible, avoid use of products that contain the following:

1. Flammable materials and mixtures. They pose fire and explosion hazards and storage problems, and are not mailable in many instances. Regulations vary, but any material with a flash point below 100 degrees Fahrenheit is considered flammable. Examples include acetone and methyl ethyl ketone.
2. Highly corrosive or irritating materials, e.g., concentrated sulfuric acid, hydrofluoric acid in any concentration, and concentrated sodium hydroxide. A pH between 4 and 11 is usually an indication of lower risk.
3. The 17 chemicals targeted by EPA for use reduction (see Attachment 2). Some of the chemicals are highly toxic and flammable and pose risks to the environment.
4. Highly toxic or carcinogenic chemicals. For toxic materials, two health hazard rating systems (the National Fire Protection Association and the Hazardous Materials Information System) use a scale from 0 (none) to 4 (severe). A rating of zero or 1 is preferable.
5. High VOC content or other potential environmental liability, e.g., regulated hazardous waste. Consult with the ECCs.

When determining if a product is suitable for use, persons evaluating the MSDSs should consider the need for personal protective equipment and respirators, trained and qualified personnel, and engineering controls (e.g., local exhaust), and take other precautions.

Glossary

Acronyms

EPA
Environmental Protection Agency

MSDSs
Material Safety Data Sheets

OSHA
Occupational Safety and Health Administration

PEL
Permissible exposure limit. OSHA regulatory limits for employee exposure to a toxic substance (see 29 CFR 1910.1000).

VOC
A volatile organic compound as referenced in EPA clean air regulations.

Definitions

chemical
Any element, chemical compound, or mixture of elements and/or compounds.

exposure
An employee is subjected in the course of employment to a chemical that is a physical or health hazard, and includes potential (i.e., accidental) exposure.

health hazard
A chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles, that acute or chronic health effects may occur in exposed employees.

label
Any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

mixture
Any combination of two or more chemicals where the combination is not, in whole or in part, the result of a chemical reaction.

Note: Postal Service employees reviewing MSDSs are not responsible for the content of MSDSs. A detailed review for accuracy (e.g., flash points) is not necessary. (The Postal Service complies with revised OSHA PELs printed in 1989. MSDSs may cite earlier PELs due to a court case, but these should not be used to determine if employees are overexposed.) If a discrepancy or inaccurate information is noted (other than use of earlier PELs), it may be brought to the attention of the supplier. Suppliers may cite proprietary chemical information on the MSDSs. If further review (e.g., of health hazard information) indicates that a product may be hazardous, the Postal Service can request disclosure of ingredients, if necessary, through a medical officer or industrial hygienist, according to the OSHA standard.

Attachment 1
OSHA 3084 Excerpts

United States Department Of Labor

Occupational Safety and Health Administration

Chemical Hazard Communication

U.S. Department of Labor
Robert B. Reich, Secretary

Occupational Safety and Health Administration
Joseph A. Dear, Assistant Secretary

OSHA 3084

1994 (Revised)

This informational booklet is intended to provide a generic, non-exhaustive overview of a particular standards-related topic. This publication does not itself alter or determine compliance responsibilities, which are set forth in OSHA standards themselves and the Occupational Safety and Health Act. Moreover, because interpretations and enforcement policy may change over time, for additional guidance on OSHA compliance requirements, the reader should consult current administrative interpretations and decisions by the Occupational Safety and Health Review Commission and the courts.

This information will be made available to sensory impaired individuals upon request. Voice phone: (202) 219-8615; Telecommunications Device for the Deaf (TDD) referral phone: 1-800-326-2577.

Chemicals in the Workplace

About 32 million workers are potentially exposed to one or more chemical hazards. There are an estimated 575,000 existing chemical products, and hundreds of new ones being introduced annually. This poses a serious problem for exposed workers and their employers.

Chemical exposure may cause or contribute to many serious health effects such as heart ailments, kidney and lung damage, sterility, cancer, burns, and rashes. Some chemicals may also be safety hazards and have the potential to cause fires and explosions and other serious accidents.

Because of the seriousness of these safety and health problems, and because many employers and employees know little or nothing about them, the Occupational Safety and Health Administration (OSHA) has issued a rule called “Hazard Communication.” The basic goal of the standard is to be sure employers and employees know about work hazards and how to protect themselves; this should help to reduce the incidence of chemical source illness and injuries.

The Hazard Communication standard establishes uniform requirements to make sure that the hazards of all chemicals imported into, produced, or used in U.S. workplaces are evaluated, and that this hazard information is transmitted to affected employers and exposed employees.

Chemical manufacturers and importers must convey the hazard information they learn from their evaluations to downstream employers by means of labels on containers and material safety data sheets (MSDSs). In addition, all covered employers must have a hazard communication program to get this information to their employees through labels on containers, MSDSs, and training.

This program ensures that all employers receive the information they need to inform and train their employees properly and to design and put in place employee protection programs. It also provides necessary hazard information to employees, so they can participate in and support the protective measures in place at their workplaces.

OSHA has developed a variety of materials and publications to help employers and employees develop and implement effective hazard communication programs.

Before explaining the details of various parts of the Hazard Communication standard, a brief overview of the design of the standard may be helpful. The Hazard Communication standard is different from other OSHA health rules because it covers all hazardous chemicals. The rule also incorporates a “downstream flow of information,” which means that producers of chemicals have the primary responsibility for generating and disseminating information, whereas users of chemicals must obtain the information and transmit it to their own employees. In general, it works like this:

- Chemical manufacturers/importers determine the hazards of each product.

- Chemical manufacturers/importers/distributors communicate the hazard information and associated protective measures downstream to customers through labels and MSDSs

Employers

- Identify and list hazardous chemicals in their workplaces.
- Obtain MSDSs and labels for each hazardous chemical.
- Develop and implement a written hazard communication program, including labels, MSDSs, and employee training, on the list of chemicals, MSDSs, and label information.
- Communicate hazard information to their employees through labels, MSDSs, and formal training programs.

Hazard Evaluation

The quality of the hazard communication program depends on the adequacy and accuracy of the hazard assessment. Chemical manufacturers and importers are required to review available scientific evidence concerning the hazards of the chemicals they produce or import, and to report the information they find to their employees and to employers who distribute or use their products. Downstream employers can rely on the evaluations performed by the chemical manufacturers or importers to establish the hazards of the chemicals they use.

The chemical manufacturers, importers, and any employers who choose to evaluate hazards are responsible for the quality of the hazard determinations they perform. Each chemical must be evaluated for its potential to cause adverse health effects and its potential to pose physical hazards such as flammability. (Definitions of hazards covered are included in the standard.) Chemicals that are listed in one of the following sources are to be considered hazardous in all cases:

- CFR 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA), and
- Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment, American Conference of Governmental Industrial Hygienists (ACGIH).

In addition, chemicals that have been evaluated and found to be a suspect or confirmed carcinogen in the following sources must be reported as such:

- National Toxicology Program (NTP), Annual Report on Carcinogens,
- International Agency for Research on Cancer (IARC), monographs, and
- Regulated by OSHA as a carcinogen.

Written Hazard Communication Program

Employers must develop, implement, and maintain at the workplace a written, comprehensive hazard communication program that includes provisions for container labeling, collection and availability of material safety data sheets, and an employee training program. It also must contain a list of the hazardous chemicals in each work area; this means the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels) and the hazards associated with chemicals in unlabeled pipes. If the workplace has multiple employers on-site (for example, a construction site), the rule requires these employers to ensure that information regarding hazards and protective measures be made available to the other employers on-site, where appropriate.

The written program does not have to be lengthy or complicated, and some employers may be able to rely on existing hazard communication programs to comply with the above requirements. The written program must be available to employees, their designated representatives, the Assistant Secretary of Labor for Occupational Safety and Health, and the Director of the National Institute for Occupational Safety and Health (NIOSH).

Labels and Other Forms of Warning

Chemical manufacturers, importers, and distributors must be sure that containers of hazardous chemicals leaving the workplace are labeled, tagged or marked with the identity, appropriate hazard warnings, and the name and address of the manufacturer or other responsible party.

In the workplace, each container must be labeled, tagged or marked with the identity of hazardous chemicals contained therein, and must show hazard warnings appropriate for employee protection. The hazard warning can be any type of message, words, pictures, or symbols that provide at least general information regarding the hazards of the chemical(s) in the container. Labels must be legible, in English (plus other languages, if desired), and prominently displayed.

Exemptions to the requirement for in-plant individual container labels are as follows:

- Employers can post signs or placards that convey the hazard information if there are a number of stationary containers within a work area that have similar contents and hazards.
- Employers can substitute various types of standard operating procedures, process sheets, batch tickets, blend tickets, and similar written materials for container labels on stationary process equipment if they contain the same information and the written materials are readily accessible to employees in the work area.
- Employers are not required to label portable containers into which hazardous chemicals are transferred from labeled containers and that are intended only for the immediate use of the employee who makes the transfer.
- Employers are not required to label pipes or piping systems.

Material Safety Data Sheets

Chemical manufacturers and importers must develop an MSDS for each hazardous chemical they produce or import, and must provide the MSDS automatically at the time of the initial shipment of a hazardous chemical to a downstream distributor or user. Distributors must also ensure that downstream employers are similarly provided an MSDS.

Each MSDS must be in English and include information regarding the specific chemical identity of the hazardous chemical(s) involved and the common names. In addition, information must be provided on the physical and chemical characteristics of the hazardous chemical; known acute and chronic health effects and related health information; exposure limits; whether the chemical is considered to be a carcinogen by NTP, IARC, or OSHA; precautionary measures; emergency and first-aid procedures; and the identification (name, address, and phone number) of the organization responsible for preparing the sheet.

Copies of the MSDS for hazardous chemicals in a given work site are to be readily accessible to employees in that area. As a source of detailed information on hazards, they must be located close to workers and readily available to them during each work shift.

MSDSs have no prescribed format. ANSI standard no. Z400.1 — Material Safety Data Sheet Preparation — may be used. The non-mandatory MSDS form (OSHA 174) also may be used as a guide, and a copy can be obtained from OSHA field offices.

List of Hazardous Chemicals

Employers must prepare a list of all hazardous chemicals in the workplace. When the list is complete, it should be checked against the collected MSDSs that the employer has been sent.

If there are hazardous chemicals used for which no MSDS has been received, the employer must write to the supplier, manufacturer, or importer to obtain the missing MSDS.

Employee Information and Training

Employers must establish a training and information program for employees exposed to hazardous chemicals in their work area at the time of initial assignment and whenever a new hazard is introduced into their work area.

Information

At a minimum, the discussion topics must include the following:

- The hazard communication standard and its requirements of the standard.
- The components of the hazard communication program in the employees' workplaces.
- Operations in work areas where hazardous chemicals are present.
- Where the employer will keep the written hazard evaluation procedures, communications program, lists of hazardous chemicals, and the required MSDS forms.

Training

The employee training plan must consist of the following elements:

- How the hazard communication program is implemented in that workplace, how to read and interpret information on labels and the MSDS, and how employees can obtain and use the available hazard information.
- The hazards of the chemicals in the work area. (The hazards may be discussed by individual chemical or by hazard categories such as flammability.)
- Measures employees can take to protect themselves from the hazards.
- Specific procedures put into effect by the employer to provide protection such as engineering controls, work practices, and the use of personal protective equipment (PPE).
- Methods and observations — such as visual appearance or smell — workers can use to detect the presence of a hazardous chemical to which they may be exposed.

Trade Secrets

A "trade secret" is something that gives an employer an opportunity to obtain an advantage over competitors who do not know about the trade secret or who do not use it. For example, a trade secret may be a confidential device, pattern, information, or chemical make-up. Chemical industry trade secrets are generally formulas, process data, or a "specific chemical identity." The latter is the type of trade secret information referred to in the Hazard Communication Standard. The term includes the chemical name, the Chemical Abstracts Services (CAS) Registry Number, or any other specific information that reveals the precise designation. It does not include common names.

The standard strikes a balance between the need to protect exposed employees and the employer's need to maintain the confidentiality of a bona fide trade secret. This is achieved by providing for limited disclosure to health professionals who are furnishing medical or other occupational health services to exposed employees, employees and their designated representatives, under specified conditions of need and confidentiality.

Medical Emergency

The chemical manufacturer, importer, or employer must immediately disclose the specific chemical identity of a hazardous chemical to a treating physician or nurse when the information is needed for proper emergency or first-aid treatment. As soon as circumstances permit, the chemical manufacturer, importer, or employer may obtain a written statement of need and a confidentiality agreement.

Under the contingency described here, the treating physician or nurse has the ultimate responsibility for determining that a medical emergency exists. At the time of the emergency, the professional judgment of the physician or nurse regarding the situation must form the basis for triggering the immediate disclosure requirement. Because the chemical manufacturer, importer, or employer can demand a written statement of need and a confidentiality agreement to be completed after the emergency is abated, further disclosure of the trade secret can be effectively controlled.

Non-Emergency Situation

In non-emergency situations, chemical manufacturers, importers, or employers must disclose the withheld specific chemical identity to health professionals providing medical or other occupational health services to exposed employees and their designated representatives, if certain conditions are met. In this context, "health professionals" include physicians, occupational health nurses, industrial hygienists, toxicologists, or epidemiologists.

The request for information must be in writing and must describe with reasonable detail the medical or occupational health need for the information. The request will be considered if the information will be used for one or more of the following activities:

- To assess the hazards of the chemicals to which employees will be exposed.
- To conduct or assess sampling of the workplace atmosphere to determine employee exposure levels.
- To conduct pre-assignment or periodic medical surveillance of exposed employees.
- To provide medical treatment to exposed employees.
- To select or assess appropriate personal protective equipment for exposed employees.
- To design or assess engineering controls or other protective measures for exposed employees.
- To conduct studies to determine the health effects of exposure.

The health professional, employee, or designated representative must also specify why alternative information is insufficient. The request for information must explain in detail why disclosure of the specific chemical identity is essential, and include the procedures to be used to protect the confidentiality of the information. It must include an agreement not to use the information for any purpose other than the health need stated or to release it under any circumstances, except to OSHA.

The standard further describes in detail the steps that will be followed in the event that an employer decides not to disclose the specific chemical identity requested by the health professional, employee, or designated representative.

Attachment 2

EPA List of 17 Chemicals Targeted for Reduction

United States Postal Service 17 Priority Chemicals Targeted for Reduction	
Benzene	Methyl Ethyl Ketone
Cadmium and Cadmium Compounds	Methyl Isobutyl Ketone
Carbon Tetrachloride	Nickel and Nickel Compounds
Chloroform (trichloromethane)	Tetrachloroethylene
Chromium and Compounds	Toluene
Cyanides	1,1,1, - Trichloroethane
Methylene Chloride (dichloromethane)	Trichloroethylene
Lead and Lead Compounds	Xylene(s)
Mercury and Mercury Compounds	

Attachment 3
OSHA Memo on Consumer Products and Articles

RECORD TYPE:	Interpretation
STANDARD NUMBER:	1910.1200 1915.1200 1917.28 1918.90 1926.59
SUBJECT:	Hazard Communication Standard
INFORMATION DATE:	March 21, 1995
LETTER:	March 21, 1995
MEMORANDUM FOR:	All Regional Administrators
FROM:	John B. Miles Jr., Director Directorate Of Compliance Programs
SUBJECT:	Hazard Communication Standard: Documentation of Citations Related to the Exposure to Hazardous Substances and Consumer Products

This memorandum provides clarification and guidance for the Hazard Communication Standard (HCS) 29 CFR 1910.1200, 1915.1200, 1917.28, 1918.90, and 1926.59, when applied to the standard's provisions for exemptions of consumer products and articles.

OSHA has reviewed its enforcement history with respect to instances where the consumer product safety/ hazardous substance (1910.1200(b)(ix)) or article (1910.1200(b)(v)) exemptions could have been applied. HCS citations have been issued for materials, such as bricks, rebar, lubricating oils, welding rods and dish-washing liquid without adequate documentation of employee exposure to a specific hazardous chemical or that their use fails to meet OSHA's consumer product exemption. It is not the intent of the standard that we issue citations for consumer products and articles except for conditions of use that greatly exceed those of a normal consumer or are outside the product's normal intended use. As a matter of policy, OSHA Compliance Officers shall not issue HCS citations for consumer products unless there is documentation that exposure(s) causing serious injury or illness are occurring. Please be aware that exposure is defined in the HCS to include potential exposure.

The performance-oriented nature of HCS makes it difficult to draw clear, exact lines for the number of times a consumer product or the circumstances under which an article can be used before the provisions of the rule apply. During the course of an inspection, to justify a citation, it is imperative that the compliance officer document that employee use of a consumer product containing hazardous ingredients at his or her workplace is such that frequency or duration clearly exceeds what a reasonable person would concede to be normal consumer use in a home or household environment. Situations where employee use of a consumer product is similar to the way a consumer would use a product or where the hazardous chemical under consideration meets the definition of an article shall not be cited as a violation of HCS.

To ensure that citations of HCS for consumer products are appropriate, the following elements must be included as documentation in the case file:

1. Document what information establishes the chemical as a consumer product. Was the container labeled with a label that is subject to the regulations of the Consumer Product Safety Act?
2. Document the hazardous chemical(s) present in the consumer product that employees were exposed to. Does the chemical present an acute or chronic hazard? Was the chemical on the employer's hazardous chemical inventory?

3. Document the duration of use, the period of time the chemical was used during the work shift and week. Did it greatly exceed normal or expected use by a consumer?
4. Document the frequency or pattern of use. Did it greatly exceed normal or expected use by a consumer?
5. Document the purpose of use. Was the consumer product used as recommended by the manufacturer or proscribed by the manufacturer?
6. Document the manner of use; was the consumer product used in a concentrated form or solution? What amount (i.e., the liters or grams) of the chemical was used?
7. Attach the MSDS, where available, for the cited product, i.e., is it defined as a hazardous chemical; what is its intended use(s)?

When citing HCS violations involving consumer products, identify in the citation the specific hazardous chemical and the concentration of the hazardous chemical present in the consumer product. In addition, the frequency and duration of use that resulted in exposures significantly greater than those of a consumer must be documented. The Agency shall not issue any citations simply stating that “glue” or “dishwashing liquid” was the hazardous chemical.

In a similar fashion, for HCS violations involving manufactured items or commercial products which under normal conditions of use may release hazardous chemicals and do not meet the criteria of the “article” exemption (1910.1200(c)), the specific hazardous chemical identified in the specific item shall be described in the citation. In the case of mixtures, the concentration of the specific hazardous chemicals shall be included in the citation. For example, the Agency shall not issue any citations specifically for brick. In this case, compliance officers shall identify the specific hazardous chemical, such as silica, present in the item, the concentration of the specific hazardous chemical in the item, the product name of the item, the specific operation(s) where an employee is or may be exposed to a physical or health hazard and the duration of employee exposure.

To ensure that citations of HCS for items that appear to be “articles” (rebar, bricks, structural steel beams, etc.) are appropriate, the following elements must be included as documentation in the case file:

1. Document the hazardous chemical(s) and the concentration that was present in the item that employees were exposed to. Was the chemical on the employer’s hazardous chemical inventory?
2. Document the activities or operations that resulted in employee exposure to the hazardous chemical(s) in the item and the duration of use.
3. Attach the MSDS, where available, for the cited product, i.e., does it define it as a hazardous chemical and any statements of its intended use(s)?

In summary, the specific hazardous chemical identity shall be provided in any HCS citation. The commercial or product name shall not be used by itself to identify a hazardous chemical. If the hazardous chemical is an ingredient in a mixture, compliance officers shall identify in the citation the specific hazardous chemical(s) present, and the relative concentration(s) of the chemical(s) in the mixture. In addition, the specific operations where an employee is or may be exposed to a physical or health hazard and the duration of employee exposure shall also be identified.

Should you have any questions regarding this issue, please call Tom Galassi in the Office of Health Compliance Assistance at (202) 219-8036.