



Business Management Advisory

For Precision Custom Manufacturers

TC02

File: TECHNICAL

COMPLYING WITH OSHA'S HAZARD COMMUNICATION RULES

SUMMARY

The U.S. Occupational Safety and Health Administration now requires employers to have a program for informing employees of chemical hazards in the workplace. These are sometimes called "Right-to-Know" programs. All tooling and machining companies are subject to the rules.

This Business Management Advisory provides an analysis of the requirements of OSHA's Hazard Communication Rules as they affect tooling and machining companies.

Your hazard communication program must be in writing. A sample written program along with a written training outline is provided here as well. OSHA inspectors are instructed to cite violations automatically to companies that do not have a hazard communication program (including a training plan) in writing.

NTMA has developed this Business Management Advisory to help companies meet the requirements of these regulations. A separate BMA covers related EPA regulations on storage, removal and disposal of hazardous substances.

YOUR RESPONSIBILITIES

As a user of hazardous substances, you are required to have a hazard communication program. OSHA compliance officers are instructed to issue citations automatically if an employer lacks a hazard communication program.

Generally, you are exempt from making determinations of hazards yourself as long as you rely on the information provided to you on the Material Safety Data Sheets (MSDS) from suppliers. It is recommended that you refuse the materials unless it has the MSDS.

If no MSDS has been received for a particular hazardous chemical, you are responsible for contacting the manufacturer or importer to obtain one. You must maintain a record of such contacts (either copies of letters or a log of telephone contacts).

Your hazard communication program must be in writing. The OSHA compliance officer will review your written program first. If no written program exists, a citation will automatically be issued. According to OSHA's instructions to its inspectors, these are elements that should be considered in your written program:

Labels and Other Forms of Warning

- Person(s) responsible for labeling in-plant containers.
- Person(s) responsible for labeling shipped containers.

- Description of labeling system.
- Description of written alternatives to labeling (if used).
- Procedures to review and update labels.

Material Safety Data Sheets

- Person(s) responsible for MSDS.
- How MSDS are maintained; how employees can gain access to them.
- Procedures when MSDS is not received with material.
- Procedures for updating.
- Description of alternatives of MSDS (if used).

Training

- Person(s) responsible for training.
- Format of training methods (films, tool-box talks, etc.).
- Elements of the training program.
- New employee training procedures; procedures when a new hazard is introduced.

List of Hazardous Chemicals

This is to be used as a cross-check for substances requiring MSDS. Failure to have a list will result in an automatic citation.

Hazards of Nonroutine Tasks

For example: cleaning sumps; hazards of materials in unlabeled pipes, etc. Omission of this element also results in an automatic citation.

On-Site Contractors

You must have a procedure to inform contractor employees of hazards they may be exposed to while in your plant.

OSHA's compliance officers are also instructed to interview employees to determine the level of adequacy of their training. Although not a requirement of the regulations, keeping records of your training sessions can be helpful in proving your efforts.

The compliance inspections will be conducted by both health specialists and safety specialists according to, and as part of, OSHA's regular inspection routines.

If you encounter a problem with these regulations, contact NTMA's Technical Department at 1-800-248-NTMA.

According to OSHA's office of compliance assistance, NTMA members do not have to originate MSDS of their own. If your supplier provides an MSDS with metal or with castings, for example, you can simply pass a copy of that data sheet along to your customer. If you are shipping an assembly with components having more than one MSDS, you should give your customer copies of all that apply. The same general procedure holds true for scrap. If chips are contaminated with coolant or some other substance, provide your scrap buyer with all MSDS that apply.

MINIMUM REQUIREMENTS FOR YOUR COMPANY'S HAZARD COMMUNICATION PROGRAM

A two-column format is used to distinguish between the actual requirements of the law and the explanatory material. "Employer's Requirements" appear in the left-hand column and related explanations and remarks appear on the right, under "Comments."

EMPLOYER'S REQUIREMENTS	COMMENTS
<p>Perform hazard determination for hazardous chemicals created within and used exclusively on-site.</p>	<p>Generally does not apply to tooling and machining companies, as long as:</p> <ul style="list-style-type: none"> • No known hazardous chemicals are created in your plant; and, • You rely on hazard evaluation in Material Safety Data Sheets provided by your suppliers.
<p>Prepare Material Safety Data Sheets (MSDS) and label chemicals created on-site.</p>	<p>The standard applies only to chemicals which are known to be present in the workplace and to which employees may be exposed under normal conditions of use or in a foreseeable emergency (such as a fire).</p> <p>Employers are not required to analyze complex intermediate compounds that may be formed during processing to determine traces of contaminants.</p> <p>However, when such contaminants are known to be present (i.e., if a warning is posted in an MSDS), they are to be treated in accordance with these regulations.</p> <p>Potentially hazardous substances brought by employees into the workplace for their personal use (such as tobacco, foods, drugs, cosmetic products, etc.) are not covered by the regulations.</p>
<p>Your Hazard Communication Program must be in writing. It must cover:</p> <p>LABELS AND OTHER FORMS OF WARNING:</p> <p>The employer must have a description of the labeling system(s) used.</p> <p>The system must provide that each container of hazardous material in the workplace is labeled, tagged, or marked with:</p> <ul style="list-style-type: none"> • the identity of the hazardous material • appropriate warnings: (for example: "caution: skin irritant") 	<p>(See sample written program) The following elements should be covered:</p> <p>LABELS AND OTHER FORMS OF WARNING:</p> <p>The written program should include:</p> <ul style="list-style-type: none"> • Designation of person(s) responsible for labeling in-plant containers. • Designation of person(s) responsible for labeling containers shipped outside the plant. • Procedure to review and update label information if and when necessary.

EMPLOYER'S REQUIREMENTS CONTINUED	COMMENTS CONTINUED
<p>Warnings must be in English. Other languages may be used in addition to English.</p> <p>ALTERNATIVE TO LABELING:</p> <p>The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to stationary process containers.</p>	<p>If alternatives to labeling are used, they should be described in your written plan.</p> <p>Alternatives to labeling apply only to stationary containers, such as tanks. Portable containers filled from a labeled container and intended for immediate use by a single employee need not be labeled. To meet this exemption, the employee must make the transfer and use the substance during the same shift.</p>
	<p>The preparation of an MSDS is largely the responsibility of the supplier of the substance, but employers are responsible for keeping the current MSDS on file.</p> <p>Employers must maintain the MSDS and labels for chemicals, etc. from outside suppliers.</p>
<p>The written Hazard Communication Program must cover Material Safety Data Sheets:</p> <p>The employer must have an MSDS (in English) for each hazardous chemical used.</p>	<p>(See Sample Hazard Communication Program and Training Plan)</p> <p>Although the law does not require you to keep records of employee training sessions, it is a good practice to do so.</p> <p>The training plan does not have to be elaborate, as long as it exists and is followed. A plan should provide for training before an individual's initial assignment and periodic "toolbox talks" or other means of updates.</p>
<p>The written Hazard Communication Program must cover employee information and training:</p> <p>"Employer shall provide employees with information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard is introduced into the work area."</p> <p>1) Information</p> <p>Employees must be informed:</p> <ul style="list-style-type: none"> • that the regulations exist; that the employer is required to have a hazard communication program; and of the components of the program in their workplace. • of operations in their work area where hazardous chemicals are present. • of the location and availability of your written hazard communication program, including the list of hazardous chemicals and MSDS. <p>2) Training</p> <p>Employee training shall include at least:</p> <ul style="list-style-type: none"> • methods and/or observations used to detect the presence or release of hazardous chemicals in the work area. • the physical health hazards of chemicals in the work area. • the measures employees can take to protect themselves. • the details of your hazard communication program. <p>3) Effective Dates</p> <p>"Employers shall be in compliance with all provisions of this section by May 25, 1986, including initial training for all current employees."</p>	<p>The list of hazardous material need not be anything more than a running list of each substance for which there is an MSDS. However, if an MSDS is missing for a known hazardous substance, the substance should still be included on the list. A sample list form and a sample letter requesting a missing MSDS are included in this BMA.</p>

SAMPLE WRITTEN HAZARD COMMUNICATION PROGRAM FOR A TYPICAL SMALL TOOLING & MACHINING COMPANY

(COMPANY NAME)

HAZARD COMMUNICATION PROGRAM

I. Purpose

- A. The purpose of this hazard communication program is to inform (company name) employees of known chemical hazards that may exist in the workplace.

II. Application

- A. This program applies to chemicals known to be present in the workplace in such a manner that employees may be exposed under normal conditions, non-routine tasks, or foreseeable emergencies.
- B. This hazard communication program relies on Material Safety Data Sheets (MSDS) from suppliers for purposes of hazard determination.

III. Program Summary

- A. The major elements of this program are:
 - 1. Labels and other forms of warning
 - 2. Material Safety Data Sheets (MSDS) from suppliers
 - 3. Employee information and training
 - 4. List of hazardous chemicals known to be present in the workplace
 - 5. Methods for informing employees of hazards of non-routine tasks
 - 6. Methods for informing contractor employers of hazards their employees may be exposed to while working in the (company name) plant

IV. Labels and Other Forms of Warning

- A. Each container of hazardous chemicals shall be labeled, tagged, or otherwise marked with the identity of the hazardous chemical (or chemicals) and the appropriate hazard warnings.
- B. Labels and other forms of warning will be legible and in English, and will be prominently displayed or readily available in the work area during each shift.
- C. The (job title) is responsible for assuring that labels are consistent with MSDS data. When new MSDS data dictates, labels will be revised.

V. Material Safety Data Sheet

- A. A Material Safety Data Sheet (MSDS) will be kept for each hazardous chemical known to be present in the workplace.
- B. Material Safety Data Sheets are kept (in, at, location) and are readily accessible by employees during each work shift.
- C. The (job title) is responsible for maintaining the MSDS in a complete and up-to-date manner.
- D. When work is shipped to customers, copies of MSDS for any known hazardous chemicals included as part of the products shipped will be passed along to the customer.

VI. Training & Information

- A. Employees shall be trained according to a written hazard communication training plan that is part of the company's overall hazard communication program.
- B. Training shall extend to non-routine tasks, as necessary, and to foreseeable emergencies.
- C. When contractor employees are required to work in our provisions of our company's hazard communication program. Contractor employees shall be provided ready access to the MSDS and list of hazardous material.

VII. Revisions

- A. This program will be amended as changes in work operations, new material or processes, or new information dictate.

**SAMPLE WRITTEN TRAINING PLAN FOR TYPICAL SMALL TOOLING &
MACHINING COMPANY'S HAZARD COMMUNICATION PROGRAM
(COMPANY NAME)**

HAZARD COMMUNICATION TRAINING PROGRAM

I. Initial Assignment Information and Training

- A. The (job title) will train new employees in hazard communication and protection procedures as part of their general orientation before the new employees begin work.
- B. The (job title) is responsible for training affected employees whenever new hazardous chemicals are introduced into the workplace. This responsibility extends to providing additional training, as required, for existing employees reassigned into new positions.

II. Curriculum

- A. All employees shall be provided with the following information:
 - 1. Employees shall be informed that (company name) is required by law to have a chemical hazard communication program.
 - 2. Employees shall be informed of the details of (company name)'s chemical hazard communication program including:
 - the location and ready availability of a list of all hazardous chemicals used by the company;
 - a list of all hazardous chemicals known to be present in the work area is kept (location) and is available for review by employees during each work shift;
 - the location and ready availability of Material Safety Data Sheets (MSDS) for hazardous chemicals used within the company; and,
 - specific operations or tasks in the employees' work area that use hazardous chemicals.
- B. All employees shall receive training as follows:
 - 1. Employees shall be trained in methods and observations to detect the presence of hazardous chemicals.
 - 2. Employees shall be trained regarding the specific physical and health hazards of known hazardous chemicals in the employees' work area.
 - 3. Employees shall be trained in protective measures including the use of personal protective equipment and protective measures implemented by (company name).
 - 4. Employees shall be trained in understanding, interpreting and using hazard information provided on labels and in MSDS. Employees will be asked to sign an acknowledgement – that they have received the training and that they understand the requirements of the regulations.

III. Effective (date), all (company name) employees are required to successfully complete (company name)'s hazard communication training program. Employees are required to follow safe and healthy work practices as a condition of employment.

IV. NON-ROUTINE TASKS: Training for hazard protection during non-routine tasks is the responsibility of the (supervisor or other job title) and shall be provided as needed.

V. FORESEEABLE EMERGENCIES: Training for hazard protection during foreseeable emergencies (such as fires, floods, spills, etc.) shall be provided to all affected employees as part of their general safety training.

VI. CONTRACTOR EMPLOYEES: The employer of outside personnel required to work in our plant shall be informed of our hazard communication program. While the contractor is responsible for its own employees' training, (company name) will attempt to answer contractor employees' questions about workplace hazards.

The MSDS and a list of hazardous material shall be available to contractor employees as well.

(SAMPLE FORM)

LIST OF HAZARDOUS CHEMICALS KNOWN TO BE PRESENT

NOTE: A Material Safety Data Sheet (MSDS) is on file for each substance on this list. Details of specific physical and health hazards as well as protective measures can be found on the MSDS for individual chemicals.

Substance	Supplier/Source	Comments/Hazards

SAMPLE LETTER REQUESTING AN MSDS
(Your Company Letterhead)

(Date)

(Supplier's Name)

(Address)

Dear Supplier:

Our company has purchased your product, (name of chemical or product), but we do not have a Material Safety Data Sheet (MSDS) for it.

You are required under OSHA's Hazard Communication Standard, 29 CFR 1910.1200, to perform hazard determinations, label containers, and provide users with the MSDS for all hazardous chemicals which you produce or import.

We are required by the same law to have your MSDS on file for our employees' review. If we do not receive your MSDS for the product named above, we may not be able to continue using this product in the future.

Yours truly,

Keep a copy of this letter in the MSDS file until the missing sheet is provided. Follow-up letters and dated records of telephone inquiries should also be maintained to prove your efforts at obtaining missing information.

ADDITIONAL TIPS AND SOURCES OF HELP

Your Suppliers

Companies that provide you with materials that are subject to Material Safety Data Sheets can often provide information on the most efficient protective measures you can use for your particular operations. Often, this information will be provided on the MSDS itself. Most tooling and machining companies are likely to depend heavily upon suppliers for information on protective measures for employee training and information.

Foreseeable Emergencies

It is important to note that the new rules apply to "foreseeable emergencies" as well as to routine and non-routine tasks. A foreseeable emergency could be a fire, a ruptured pipe or tank, a spill, or any other likely mishap. Being able to anticipate such emergencies is in your own best interest, as well as that of your employees.

You should also be aware that you are required by EPA regulations to immediately report any release of hazardous material caused by fire or other accident to the National Response Center at 800-424-8802. Failure to do so can result in

a \$10,000 fine, a year in jail or both! A business owner or manager that fails to report such a release can also be held responsible for the cost of repairing environmental damage.

Your Insurance Carrier

The loss control specialists of your insurance company can often provide advice and assistance in matters of training, protective measures, hazard evaluation, and anticipation of foreseeable emergencies. If you have more than one insurance carrier (for example, one for workers' compensation, and another for property and casualty coverage), you should request an evaluation by each.

Voluntary Inspections by OSHA

You can request a voluntary compliance inspection by OSHA or by many of the state safety and health agencies. However, you should be aware that you can still be cited for a violation during a voluntary inspection if the inspector believes an imminent and serious hazard exists.

State and Local Agencies

Additional hazard communication regulations might apply in your state, or even in your county or city. State laws generally have to be tougher in order to override the federal rules, so it is wise to check. If there is an NTMA chapter in your area, the chapter can make contact with the appropriate agency. Your local NTMA chapter might also consider inviting an official from a regulatory agency to speak at a chapter meeting. This kind of exchange helps keep bureaucrats in touch with the special problems and needs of small businesses, as well.

Related Laws and Agencies

Separate regulations governing the shipping, handling, and disposal of various hazardous waste material are enforced by the U.S. Environmental Protection Agency and by various agencies among the States. Most used oil is exempt from these regulations as of this writing, but proposals to regulate waste oil are now in the Congress' hands.

AVOID COMMON HAZARD COMMUNICATION VIOLATIONS

A report by OSHA on its early enforcement efforts of the "right-to-know" hazard communication rules shows that nearly 40% of all violations of the new rules involved employers not having a written hazard communication program and/or not having an employee information or training program.

Here is a tabulation of the most common violations cited by OSHA under the hazard communication rules:

- 22.5% No written hazard communication program
- 17% No employee information or training plan
- 10% No Material Safety Data Sheets (MSDS)
- 5% No label identification of containers in-plant
- 4% Labeling of in-plant containers incorrect or missing
- 3% Written hazard determination not available
- 3% MSDS not maintained or not accessible by employees
- 3% Shipped containers not labeled
- 3% MSDS lacking required information
- 3% Exposure limit information on MSDS unavailable

The OSHA report said that fewer than 4% of the citations were contested by employers. Request an informal hearing with the OSHA Area Director if there is any question about the fairness or validity of a citation. Such a hearing must be requested within 15 days of receiving the notice of violation from OSHA.

HAZARD COMMUNICATION CHECKLIST

Do Your Employees:

- ✓ Understand labels and other warnings used?
- ✓ Know how to read the MSDS?
- ✓ Know where the MSDS are kept?
- ✓ Understand your hazard communication plan?
- ✓ Know how to recognize hazards and protect themselves against them?

Do You:

- ✓ Have a hazard communication program in writing?
- ✓ Keep MSDS on file and readily accessible to employees?
- ✓ Contact suppliers when MSDS are missing?
- ✓ Use labels and other warnings?
- ✓ Have someone responsible for labeling and other warnings?
- ✓ Have a procedure to review and update labels and other warnings?
- ✓ Have your labeling and other warning methods described in your hazard communication plan?
- ✓ Have a training plan for hazard communication?
- ✓ Have the training plan described in your written hazard communication program?
- ✓ Have a list of hazardous chemicals used in your plant?
- ✓ Have a provision to inform outside contractor employees in your plant of hazards?

This BMA was prepared by the NTMA Technical Department.

THWART OSHA CITATIONS ! ! ! !

DON'T BE ALARMED ... BE AWARE!

HAZARD COMMUNICATION TRAINING

(VHS-Approximately 17 minutes)

Catalog #8430 • \$198.95 • NTMA Member Price \$98.95

This video program is the second in a series that has been specifically prepared for tooling and machining job shops to address compliance with hazard communication training. Included with the video is a detailed leader's guide and a set of employee workbooks. The leader's guide and workbooks in combination with the tape provide an easy, systematic way of meeting OSHA's requirements and helping to protect your valuable employees from chemical hazards.

To order your video training package today call
NTMA's Publications Desk at 1-800-832-7753.