Have you replaced your MSDS with SDS? The clock is ticking

By: Jeffrey Tanenbaum and Alison Torbitt

As a reminder, effective June 1, 2015, all Material Safety Data Sheets (MSDS) must be replaced with new Safety Data Sheets (SDS).

In 2012, Fed/OSHA and state OSH programs modified hazard communication (HazCom) standards to conform to the United Nations’ Globally Harmonized System of Classification and Labeling of Chemicals (GHS). Fed/OSHA’s final rule became effective on May 25, 2012. See, 29 CFR 1910.1200. Fed/OSHA applies in 26 states. The remaining states have their own occupational safety and health (OSH) programs, and while most typically adopt Fed/OSHA standards, some adopt their own standards. As an example, in California, Cal/OSHA has its own version of a GHS compliant HazCom 2012 standard—8 CCR § 5194. The updated HazCom standards are often referred to as HazCom 2012. There are a number of exceptions in the standards, and some variation under some of the state OSH programs, but the basic requirements are discussed below.

Under HazCom 2012, by June 1, 2015, chemical manufacturers, distributors and importers must provide SDSs in the new format for each hazardous chemical they manufacture, distribute or import, and employers must ensure that SDSs, in this new format, are readily accessible to employees who handle or are potentially exposed to a hazardous chemical.

HazCom 2012 established a number of compliance deadlines. The first compliance deadline was on December 1, 2013, when employers were required to have trained employees on the format and presentation of the new HazCom 2012 labels and SDS.

The second compliance deadline is June 1, 2015, when compliance must be met with all the new HazCom provisions, with one exception. That exception is the third compliance deadline: distributors have until December 1, 2015, to ship products with the new GHS labels.

The fourth and final compliance deadline is June 1, 2016, when employers must update alternative workplace labels and HazCom programs, and provide training on newly identified hazards.
As a practical matter, the most significant major change that must be completed by June 1, 2015, is the switch from MSDS to SDS. The information contained in SDS is similar, but not identical, to that in MSDS, and SDS must be presented in a new “user-friendly,” 16-section format with the following section numbers and headings:

1. Identification
2. Hazard(s) Identification
3. Composition/Information on Ingredients
4. First-Aid Measures
5. Fire-Fighting Measures
6. Accidental Release Measures
7. Handling and Storage
8. Exposure Controls/Personal Protection
9. Physical and Chemical Properties
10. Stability and Reactivity
11. Toxicological Information
12. Ecological Information (non-mandatory)
13. Disposal Considerations (non-mandatory)
14. Transport Information (non-mandatory)
15. Regulatory Information (non-mandatory)
16. Other Information

For details about what must be specifically included in each of these 16 sections, please see Appendix D of 29 CFR § 1910.1200.

Please note that Fed/OSHA has stated that it will not be enforcing the SDS requirements related to Sections 12 through 15 since other agencies already enforce these requirements, see 29 CFR 1910.1200(g)(2). Thus these sections are considered non-mandatory by Fed/OSHA.

If you have any questions concerning the new SDS requirements or any aspect of GHS or HazCom 2012 compliance, please contact your NP attorney or:

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