Chapter 296-839 WAC
CONTENT AND DISTRIBUTION OF MATERIAL SAFETY DATA SHEETS (MSDSs) AND LABEL INFORMATION

WAC 296-839-100 Scope. This chapter sets minimum requirements for content and distribution of material safety data sheets (MSDSs) and labels for hazardous chemicals.

- This chapter applies when you do one or more of the following:
  - Import, produce, or repack hazardous chemicals, including manufactured items (such as bricks, welding rods, and sheet metal) that are not exempt as articles
  - Sell or distribute hazardous chemicals to manufacturers, distributors or employers
  - Choose to develop material safety data sheets (MSDSs) for a product you do not import or manufacture.

Reference:
See WAC 296-800-170, the Employer chemical hazard communication rule, for MSDSs, label, and other requirements that apply when hazardous chemicals are used in your workplace.

Note:
- Use Table 2 to determine which sections in this chapter apply to your workplace.
- Chapter 296-839 WAC, Content and Distribution of Material Safety Data Sheets (MSDSs) and Label Information, has been updated to WAC 296-901-140, Hazard communication. During the transition of the implementation dates below, employers can comply with this chapter or WAC 296-901-140, Hazard communication, until completion of the each effective date.

Exemptions:
- All of the following are always exempt from this chapter:
  - Ionizing and nonionizing radiation
  - Biological hazards
  - Tobacco and tobacco products
  - The chemicals and items listed in Table 1 are exempt from this chapter under the conditions specified.

Table 1 Conditional Exemptions from this Chapter

This chapter does NOT apply to

- Alcoholic beverages
- Foods
- An article (manufactured item)
  - It is not a fluid or particle
  - It is formed to a specific shape or design during manufacture for a particular end use function
  - It releases only trace amounts of a hazardous chemical during normal use and does not pose a physical or health risk to employees

Effective Completion Date | Requirement(s) | Who
---|---|---
June 1, 2014 | Train employees on the new label elements and safety data sheet (SDS) format. | Employers
June 1, 2015 | Compliance with all modified provisions of this final rule, except: The distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label. | Chemical manufacturers, importers, distributors and employers
December 1, 2015 | May comply with the applicable requirements in the following rules:
  - WAC 296-800-170, Employer chemical hazard communication.
  - Chapter 296-839 WAC, Content and distribution of material safety data sheets (MSDSs) and label information.
  - WAC 296-901-140, Hazard communication. | Chemical manufacturers, importers, distributors, and employers

(6/16/15)
This chapter does NOT apply to | When |
---|---|
- Consumer products  
  - Produced or distributed for sale meeting the definition of "consumer products" in the Consumer Product Safety Act (see U.S. Code, Title 15, Chapter 47, section 2052)  
  OR  
- Hazardous household products  
  - Meeting the definition of "hazardous substances" in the Federal Hazardous Substance Act (see U.S. Code, Title 15, Chapter 30, section 1261)  
  OR  
- Hazardous solid wastes  
  - Meeting the definition of "hazardous wastes" in the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (see U.S. Code, Title 42, Chapter 82, Subchapter I, section 6903)  
- Cosmetics  
  - Packaged and sold in retail establishments  
- Drugs  
  - Meeting the definition for "drugs" in the Federal Food, Drug, and Cosmetic Act (see U.S. Code, Title 21, Chapter 9, Subchapter II, section 321)  
  OR  
- Subject to the United States Environmental Protection Agency (EPA) regulations  
- Hazardous substances  
  - Released into the environment, meeting the definition of "hazardous substances" in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (see U.S. Code, Title 42, Chapter 103, Subchapter I, section 9601)  
- Hazardous wastes  
  - Meeting the definition of "dangerous wastes" in the Hazardous Waste Management Act (see chapter 70.105 RCW)  
- Solid wood  
  - The material is not treated with hazardous chemicals  
  OR  
  - The only hazard is potential flammability or combustibility  
  OR  
  - Intended for employee consumption while in the workplace (for example, first-aid supplies)  
- Wood products (for example, lumber, and paper)  
  - They are the focus of remedial or removal action being conducted under CERCLA in accordance with EPA regulations (Title 40 of the Code of Federal Regulations (C.F.R.))  
  OR  
  - Subject to department of ecology regulations, chapter 173-303 WAC, that address the accumulation, handling and management of hazardous waste, and describe all of the following:  
    - Safety  
    - Labeling  
    - Personnel training  
    - And other related requirements  
- End use is dependent in whole, or in part, upon maintaining the item's original shape or design. If the item will be significantly altered from its original form, it can no longer be considered a manufactured item  
- This federal act is included in the United States Code. See http://www.access.gpo.gov/uscode/uscmain.html  
- EPA regulations are included in the Code of Federal Regulations (C.F.R.). See http://www.epa.gov  
- This state act is included in the Revised Code of Washington (RCW). The RCW compiles all permanent laws of the state. See http://www.leg.wa.gov/wsladm/default.htm  
- See http://www.ecy.wa.gov  

Use Table 2 to find out which sections of this chapter apply to you. For example, if you import and sell hazardous chemicals ALL sections apply. WAC 296-839-500 applies to all employers covered by the scope of this chapter.
Table 2

<table>
<thead>
<tr>
<th>Section Application</th>
<th>Then the sections marked with an &quot;X&quot; apply</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>20005 - 20010</td>
</tr>
<tr>
<td>If you</td>
<td></td>
</tr>
<tr>
<td>• Import or produce chemicals</td>
<td>X</td>
</tr>
<tr>
<td>• Sell or distribute hazardous chemicals to</td>
<td></td>
</tr>
<tr>
<td>- Manufacturers OR</td>
<td></td>
</tr>
<tr>
<td>- Distributors OR</td>
<td></td>
</tr>
<tr>
<td>- Employers (includes retail or wholesale transactions)</td>
<td>X</td>
</tr>
<tr>
<td>• Choose to develop MSDSs for a product you do not import or manufacture</td>
<td>X</td>
</tr>
</tbody>
</table>

WAC 296-839-20005 Conduct complete hazard evaluations.

**Important:**
- Hazard evaluation is a process where hazards of chemicals are identified by reviewing available research or testing information. You are not required to perform your own laboratory research or testing to meet the requirements of this section.
- Information from hazard evaluations is used to complete material safety data sheets (MSDSs) and labels.
- MSDSs from your suppliers may be used to complete the hazard evaluation for chemicals you produce.
- MSDSs and labels are NOT required for chemicals that are determined to be nonhazardous.
- Importers and manufacturers are required to develop MSDSs. If you choose to develop MSDSs for a product you do not import or manufacture, then this chapter also applies to you.

**You must:**
1. Describe in writing your procedures for conducting hazard evaluations.
2. Conduct a complete hazard evaluation for ALL chemicals you produce or import to determine if they are hazardous chemicals.
   - Identify and consider available scientific evidence of health and physical hazards.
   - Evidence that meets the criteria in Table 3 must be used to establish a hazard.
   - Chemicals identified in a Table 4 source must be regarded as hazardous.
   - The scope of health hazards considered must include the categories in Tables 5 and 6.
   - If the chemical is a mixture, follow the additional criteria in Table 7.

If you find evidence that meets the criteria in Table 3, use it in your hazard evaluation.

Table 3

<table>
<thead>
<tr>
<th>Hazard</th>
<th>Criteria</th>
</tr>
</thead>
</table>
| • Health hazard | • Where available, use human case reports of health effects AND
| | • One or more studies that
| | - Are based on human populations, if available, and animal populations\(^1\)
| | AND
| | - Report statistically significant conclusions of a hazardous effect or health hazard (as defined in this rule)
| | AND
| | - Have been conducted following established scientific principles
| • Physical hazard | • Valid evidence that shows a chemical is any one of the following\(^3\):
| | - A combustible liquid
| | - A compressed gas
| | - Explosive
| | - Flammable
| | - An organic peroxide
| | - An oxidizer
| | - Pyrophoric
| | - Unstable (reactive)
| | - Water-reactive

\(^1\) If human data is not available, use results of tests done on animals and other available studies to predict health effects on employees (for example, effects resulting from short and long-term exposures to chemicals).
\(^2\) In vitro studies alone do not generally form the basis of a finding of hazard.
\(^3\) These terms are defined in WAC 296-839-500.
Chemicals identified in the sources listed in Table 4 must be assumed to be hazardous (including carcinogens and potential carcinogens).

**Table 4**

**Information Sources Identifying Hazardous Chemicals**

- Sources that address a broad range of hazard categories:
  - Chapter 296-62 WAC, General Occupational Health Standards, WISHA
  - 29 C.F.R. Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA)
- Sources that identify carcinogens or potential carcinogens:
  - Chapter 296-62 WAC, General Occupational Health Standards, WISHA
  - 29 C.F.R. Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA)
  - National Toxicology Program (NTP), Annual Report on Carcinogens (latest edition)
  - International Agency for Research on Cancer (IARC) Monographs (latest editions).

**Note:**
The *Registry of Toxic Effects of Chemical Substances* is published by the National Institute for Occupational Safety and Health (NIOSH) and identifies chemicals found to be potential carcinogens by the NTP and IARC.

Chemicals meeting Table 5 definitions, along with the criteria for established evidence in Table 3, must be regarded as hazardous.

**Table 5 is NOT intended to present all hazard categories or test methods.** Available scientific data involving other test methods and animal species must also be evaluated to determine a chemical’s hazards.

**Table 5**

**Standard Health Hazard Categories**

<table>
<thead>
<tr>
<th>A chemical is considered to be</th>
<th>If</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A carcinogen</td>
<td>• The International Agency for Research on Cancer (IARC) considers it to be a carcinogen or potential carcinogen</td>
</tr>
<tr>
<td></td>
<td>OR • The National Toxicity Program (NTP) (latest edition) lists it as a carcinogen or potential carcinogen</td>
</tr>
<tr>
<td></td>
<td>OR • It is regulated by WISHA or OSHA as a carcinogen</td>
</tr>
<tr>
<td>• Corrosive</td>
<td>• It causes visible destruction of, or irreversible alterations in, living tissue (not inanimate surfaces) by chemical action at the site of contact</td>
</tr>
<tr>
<td></td>
<td>Example:</td>
</tr>
<tr>
<td></td>
<td>- A chemical is corrosive if tested on the intact skin of albino rabbits by a method described by the U.S. Department of Transportation (in Appendix A to 49 C.F.R. Part 173) and it destroys or changes (irreversibly) the structure of the tissue at the contact site after a four-hour exposure period</td>
</tr>
<tr>
<td>• Toxic</td>
<td>• It has a median lethal dose (LD50) greater than 50 milligrams per kilogram, but no more than 500 milligrams per kilogram of body weight, when administered orally to albino rats weighing between 200 - 300 grams each</td>
</tr>
<tr>
<td></td>
<td>OR • It has a median lethal dose (LD50) greater than 200 milligrams per kilogram, but not more than 1,000 milligrams per kilogram, of body weight when administered by continuous contact for twenty-four hours (or less if death occurs within twenty-four hours) with the bare skin of albino rabbits weighing between 2 - 3 kilograms each</td>
</tr>
<tr>
<td></td>
<td>OR • It has a median lethal concentration (LC50), in air:</td>
</tr>
<tr>
<td></td>
<td>- Greater than 200 parts per million, but not more than 2,000 parts per million (by volume of gas or vapor)</td>
</tr>
<tr>
<td></td>
<td>OR • Greater than 2 milligrams per liter, but not more than 20 milligrams per liter, of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats, weighing between 200 - 300 grams each</td>
</tr>
</tbody>
</table>
### Table 5

**Standard Health Hazard Categories**

<table>
<thead>
<tr>
<th>A chemical is considered to be</th>
<th>If</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Highly toxic</strong></td>
<td>• It has a median lethal dose (LD50) of 50 milligrams, or less, per kilogram of body weight when administered orally to albino rats weighing between 200 - 300 grams each <strong>OR</strong> • It has a median lethal dose (LD50) of 200 milligrams, or less, per kilogram of body weight when administered by continuous contact for twenty-four hours (or less if death occurs within twenty-four hours) with the bare skin of albino rabbits weighing between 2 - 3 kilograms each <strong>OR</strong> • It has a median lethal concentration of (LC50), in air, of: - 200 parts per million (by volume), or less, of gas or vapor <strong>OR</strong> - 2 milligrams per liter, or less, of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 - 300 grams each</td>
</tr>
<tr>
<td><strong>An irritant</strong></td>
<td>• It is NOT corrosive, but causes a reversible inflammatory effect on living tissue by chemical action at the contact site Examples: - The chemical is a skin irritant when tested on the intact skin of albino rabbits (by the methods of 16 C.F.R. 1500.41) for four hours exposure, (or by other appropriate techniques) and the exposure results in an empirical score of five or more - A chemical is an eye irritant if so determined under the procedure listed in 16 C.F.R. 1500.42 or other appropriate techniques</td>
</tr>
<tr>
<td><strong>A sensitizer</strong></td>
<td>• It causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure</td>
</tr>
</tbody>
</table>

Categories provided in Table 6 illustrate the broad range of target organ effects that must be considered when conducting hazard evaluations. Chemicals meeting Table 6 definitions, along with the criteria for established evidence in Table 3, must be regarded as hazardous.

Examples provided in Table 6 are NOT intended to be a complete list.
### Table 6
#### Examples of Target Organ Effect Categories

<table>
<thead>
<tr>
<th>Category</th>
<th>Definition</th>
<th>Examples of Signs and Symptoms</th>
<th>Examples of Chemicals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hepatotoxins</td>
<td>Cause liver damage</td>
<td>• Jaundice</td>
<td>• Carbon tetrachloride</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Liver enlargement</td>
<td>• Nitrosamines</td>
</tr>
<tr>
<td>Nephrotoxins</td>
<td>Cause kidney damage</td>
<td>• Edema</td>
<td>• Halogenated hydrocarbons</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Proteinuria</td>
<td>• Cadmium</td>
</tr>
<tr>
<td>Neurotoxins</td>
<td>Cause primary toxic effects on the nervous system</td>
<td>• Narcosis</td>
<td>• Mercury</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Behavioral changes</td>
<td>• Carbon disulfide</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Decrease in motor functions</td>
<td>• Lead</td>
</tr>
<tr>
<td>Chemicals that act on the</td>
<td>• Decrease hemoglobin function OR Deprive the body tissues of oxygen</td>
<td>• Cyanosis</td>
<td>• Carbon monoxide</td>
</tr>
<tr>
<td>Blood OR Hematopoietic system</td>
<td></td>
<td>• Loss of consciousness</td>
<td>• Cyanides</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Benzene</td>
</tr>
<tr>
<td>Chemicals that damage the</td>
<td>• Irritate lungs OR Damage pulmonary tissue</td>
<td>• Cough</td>
<td>• Silica</td>
</tr>
<tr>
<td>lungs</td>
<td></td>
<td>• Tightness in chest</td>
<td>• Asbestos</td>
</tr>
<tr>
<td>Reproductive toxins</td>
<td>Affect reproductive capabilities, including:</td>
<td>• Birth defects</td>
<td>• Lead</td>
</tr>
<tr>
<td></td>
<td>• Chromosomal damage (mutation) OR Effects on fetuses (teratogenesis)</td>
<td>• Sterility</td>
<td>• 1,2-Dibromo-3-chloropropane (DBCP)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Nitrous Oxide</td>
</tr>
<tr>
<td>Cutaneous (skin) hazards</td>
<td>Affect the dermal layer of the body</td>
<td>• Defatting of the skin</td>
<td>• Ketones</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Rashes</td>
<td>• Chlorinated compounds</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Irritation</td>
<td></td>
</tr>
<tr>
<td>Eye hazards</td>
<td>Affect the eye or ability to see</td>
<td>• Conjunctivitis</td>
<td>• Organic solvents</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Corneal damage</td>
<td></td>
</tr>
</tbody>
</table>

### Table 7
#### Criteria for Evaluating Chemical Mixtures

<table>
<thead>
<tr>
<th>If a mixture</th>
<th>Then</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Has been thoroughly tested as a whole for a</td>
<td>• You must use those results</td>
</tr>
<tr>
<td>physical or health hazard</td>
<td></td>
</tr>
<tr>
<td>• Has NOT been tested as a whole for a health</td>
<td>• You must:</td>
</tr>
<tr>
<td>hazard</td>
<td>- Evaluate EACH ingredient in the mixture to determine the hazards</td>
</tr>
<tr>
<td></td>
<td>- Consider the mixture to have the same hazard as each ingredient</td>
</tr>
<tr>
<td></td>
<td>determined to be hazardous</td>
</tr>
<tr>
<td>• Has NOT been tested as a whole for physical</td>
<td>• You must:</td>
</tr>
<tr>
<td>hazards</td>
<td>- Use any scientifically valid data available to evaluate the</td>
</tr>
<tr>
<td></td>
<td>potential physical hazards of the mixture</td>
</tr>
</tbody>
</table>

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 03-01-096, § 296-839-20005, filed 12/17/02, effective 6/1/03.]

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WAC 296-839-20010  Provide access to hazard evaluation procedures.

**You must:**
- Provide access to your written hazard evaluation procedures when requested by any of the following:
  - Employees
  - Designated representatives of employees
  - Representatives of the department of labor and industries
  - Representatives of the National Institute for Occupational Safety and Health (NIOSH).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 03-01-096, § 296-839-20010, filed 12/17/02, effective 6/1/03.]

WAC 296-839-300  Material safety data sheets.

**Your responsibility:**
To provide complete and accurate material safety data sheets (MSDSs).

**You must:**
- Develop or obtain MSDSs
- WAC 296-839-30005
- Provide MSDSs
- WAC 296-839-30010
- Follow-up if an MSDS is not provided
- WAC 296-839-30015.

[Ch. 296-839 WAC p. 6] (6/16/15)
WAC 296-839-30005 Develop or obtain material safety data sheets (MSDSs).

You must:
- Develop or obtain a complete and accurate material safety data sheet (MSDS) for each hazardous chemical or mixture according to **ALL** of the following:
  - **ALL** information in Table 8 must be completed. If there is no relevant information for a required item, this must be noted. Blank spaces are not permitted.

Note: • No specific format is required for MSDSs; however, an example format (OSHA form 174) can be found online at: http://www.osha.gov
  • One MSDS can be developed for a group of complex mixtures (for example, jet fuels or crude oil) **IF** the health and physical hazards of the mixtures are similar (the amounts of chemicals in the mixture may vary).

- Content of MSDSs must accurately represent the available scientific evidence.

Note: You may report results of scientifically valid studies that tend to refute findings of hazards.

- MSDSs must be in English.

Note: You may develop copies of MSDSs in other languages.

You must:
- Revise an MSDS when you become aware of new and significant information regarding the hazards of a chemical, or how to protect against the hazards
  - Within three months after you first become aware of the information
  OR
  - Before the chemical is reintroduced into the workplace if the chemical is no longer being used, produced or imported.

### Table 8
Information Required on MSDSs

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>The chemical's identity as it appears on the label</td>
<td></td>
</tr>
<tr>
<td>The date the MSDS was prepared or updated</td>
<td></td>
</tr>
<tr>
<td>A contact for additional information about the hazardous chemical and appropriate emergency procedures Include all of the following:</td>
<td>Name, Address, Telephone number of the responsible party preparing or distributing the MSDS</td>
</tr>
<tr>
<td>The chemical's hazardous ingredients¹ as determined by your hazard evaluation</td>
<td>For a single substance chemical, include the chemical and common name(s) of the substance. For mixtures tested as a whole: Include the common name(s) of the mixture AND List the chemical and common name(s) of ingredients that contribute to the known hazards</td>
</tr>
</tbody>
</table>

¹ Exposure limits for airborne concentrations. Include **ALL** of the following, when they exist:
- WISHA or OSHA PELs²
  - The 8-hour time weighted average (TWA)
  - The short-term exposure limit (STEL), if available
  - Ceiling values, if available
- Threshold limit values (TLVs) including 8-hour TWAs, STELs, and ceiling values
- Other exposure limits used or recommended by the employer preparing the MSDS

² Physical and chemical characteristics
- For example, boiling point, vapor pressure, and odor

³ Fire, explosion data, and related information
- For example, flashpoint, flammable and explosion limits, extinguishing media, and unusual fire or explosion hazards

⁴ Physical hazards of the chemical including reactivity information
- For example, incompatibilities, decomposition products, by-products, and conditions to avoid

⁵ Health hazard information including **ALL** of the following:
- Primary routes of exposure
  - For example, inhalation, ingestion, and skin absorption or other contact
- Health effects (or hazards) associated with:
  - Short-term exposure⁴
  AND
  - Long-term exposure⁴
- Whether the chemical is listed or described as a carcinogen or potential carcinogen in the latest editions of each of the following:
  - The National Toxicology Program (NTP) Annual Report on Carcinogens
  OR
  - The International Agency for Research on Cancer (IARC) Monographs as a potential carcinogen
  OR
  - WISHA or OSHA rules
- Signs and symptoms of exposure
- Medical conditions generally recognized as being aggravated by exposure

⁶ Emergency and first-aid procedures
296-839-30010  Provide MSDSs for products shipped, transferred or sold over-the-counter.

You must:
- Provide the correct MSDS to manufacturers, distributors and employers:
  - With the initial shipment or transfer of the product
  - With the first shipment or transfer after an MSDS is updated
  - Whenever one is requested.

Note: • MSDSs may be provided separately from containers as long as they are provided before or at the same time as the containers. For example, you may fax, or email the MSDS.

| Table 8
<table>
<thead>
<tr>
<th>Information Required on MSDSs</th>
</tr>
</thead>
</table>
| • Generally applicable precautions for safe handling and use known to the employer preparing the MSDS  
- For example, appropriate procedures for clean-up of spills and leaks, waste disposal method, precautions during handling and storing |
| • Generally applicable and appropriate control measures known to the employer preparing the MSDS, including ALL of the following:  
- Engineering controls (for example, general or local exhaust ventilation)  
- Work practices  
- Personal protective equipment (PPE)  
- Personal hygiene practices  
- Protective measures during repair and maintenance of contaminated equipment |

1The identities of some chemicals may be protected as trade secret information (see chapter 296-62 WAC, Part B-1, Trade secrets).

2WISHA PEL categories are defined, and values are provided, in chapter 296-841 WAC, Airborne contaminants.

3A "skin notation" listed with either an ACGIH TLV or WISHA/OSHA PEL indicates that skin absorption is a primary route of exposure.

4Examples of:
- Short-term health effects (or hazards) include eye irritation, skin damage caused by contact with corrosives, narcosis, sensitization, and lethal dose.
- Long-term health effects (or hazards) include cancer, liver degeneration, and silicosis.

5Signs and symptoms of exposure to hazardous substances include those that:
- Can be measured such as decreased pulmonary function
- Are subjective such as feeling short of breath.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 03-01-096, § 296-839-30005, filed 12/17/02, effective 6/1/03.]

| WAC 296-839-30015  Follow-up if an MSDS is not provided.

You must:
- Obtain an MSDS from the chemical manufacturer, distributor or importer as soon as possible, if an MSDS is not provided for a shipment labeled as a hazardous chemical.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 03-01-096, § 296-839-30015, filed 12/17/02, effective 6/1/03.]

| WAC 296-839-400  Labeling.

Your responsibility:
To provide employers with containers of hazardous chemicals that are properly labeled.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 03-01-096, § 296-839-400, filed 12/17/02, effective 6/1/03.]
WAC 296-839-40005  Label containers of hazardous chemicals.

Exemption:
Containers are exempt from this section if ALL hazardous contents are listed in Table 11.

You must:
• Make sure every container of hazardous chemicals leaving the workplace is properly labeled. This includes ALL of the following:
  - The identity of the hazardous chemical (the chemical or common name) that matches the identity used on the MSDS
  - An appropriate hazard warning
  - The name and address of the chemical manufacturer, importer, or other responsible party
  - Make sure labeling does not conflict with the requirements of:
    ■ The Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.)
    AND
    ■ Regulations issued under the act by the U.S. Department of Transportation (Title 49 of the Code of Federal Regulations, Parts 171 through 180). See http://www.dot.gov
  - Revise labels within three months of becoming aware of new and significant information about chemical hazards
  - Provide revised labels on containers beginning with the first shipment after a revision, to manufacturers, distributors or employers
  - Revise the label when a chemical is not currently used, produced or imported, before:
    ■ You resume shipping (or transferring) the chemical OR
    ■ The chemical is reintroduced in the workplace
    - Label information
    ■ Clearly written in English
    AND
    ■ Prominently displayed on the container

Note: When the conditions specified in Table 10 are met for the solid material products listed you are not required to provide labels for every shipment.

### Table 10
Labeling for Solid Materials

<table>
<thead>
<tr>
<th>You need only send labels with the first shipment, if the product is</th>
<th>And</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whole grain</td>
<td>• It is shipped to the same customer</td>
</tr>
<tr>
<td>Solid untreated wood</td>
<td>AND</td>
</tr>
<tr>
<td>Solid metal</td>
<td>• No hazardous chemicals are part of or known to be present with the product which could expose employees during handling</td>
</tr>
<tr>
<td>For example: Steel beams, metal castings</td>
<td>- For example, cutting fluids on solid metal, and pesticides with grain</td>
</tr>
<tr>
<td>Plastic items</td>
<td></td>
</tr>
</tbody>
</table>

### Table 11
Conditional Label Exemptions

<table>
<thead>
<tr>
<th>This section does not apply to</th>
<th>When the product is</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Pesticides</td>
<td>• Subject to</td>
</tr>
</tbody>
</table>
| - Meeting the definition of "pesticides" in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (see Title 7, U.S.C. Chapter 6, Subchapter II, section 136) | - Labeling requirements of FIFRA
AND |
| - Labeling regulations issued under FIFRA by the United States Environmental Protection Agency (EPA) (see Title 40 of the Code of Federal Regulations) | |

| • A chemical substance or mixture | • Subject to |
| - Meeting the definition of "chemical substance" or "mixture" in the Toxic Substance Control Act (TSCA) (see Title 15 U.S.C. Chapter 53, Subchapter II, Section 2602) | - Labeling requirements of TSCA
AND |
| - Labeling requirements issued under TSCA by the EPA (see Title 40 of the Code of Federal Regulations) | |

| • Each of the following: | • Subject to |
| - Food | - Labeling requirements in Federal Food, Drug, and Cosmetic Act, Virus-Serum Toxin Act of 1913, and issued regulations enforced by the United States |
| - Food additives | ■ Food and Drug Administration (see Title 21 Parts 101-180 in the Code of Federal Regulations) OR |
| - Color additives | ■ Department of Agriculture (see Title 9, in the Code of Federal Regulations) |
| - Drugs | |
| - Cosmetics | |
| - Medical devices or products | |
| - Veterinary devices or products | |
| - Materials intended for use in these products (for example: Flavors, and fragrances) | |
| • As defined in | 
| - The Federal Food, Drug, and Cosmetic Act (see Title 21 U.S.C. Chapter 9, Subchapter II, Section 321) | |
| OR | |
| - Or the Virus-Serum Toxin Act of 1913 (see Title 21 U.S.C. Chapter 5, Section 151 et seq.) | |
### Table 11
Conditional Label Exemptions

<table>
<thead>
<tr>
<th>This section does not apply to</th>
<th>When the product is</th>
</tr>
</thead>
<tbody>
<tr>
<td>OR - Regulations issued under these acts (see Title 21 Part 101 in the Code of Federal Regulations, and Title 9, in the Code of Federal Regulations(^1))</td>
<td>• Subject to: - Labeling requirements of Federal Alcohol Administration Act(^1) AND - Labeling regulations issued under Federal Alcohol Administration Act by the Bureau of Alcohol, Tobacco, and Firearms (see Title 27 in the Code of Federal Regulations(^3))</td>
</tr>
<tr>
<td>• Each of the following: - Distilled spirits (beverage alcohols) AND - Wine AND - Malt beverage • As defined in - The Federal Alcohol Administration Act (see Title 27 U.S.C. Section 201(^1)) AND - Regulations issued under this act (see Title 27 in the Code of Federal Regulations(^3))</td>
<td>• Subject to: - A consumer product safety or labeling requirement of the Consumer Product Safety Act or Federal Hazardous Substances Act(^1) OR - Regulations issued under these acts by the Consumer Product Safety Commission (see Title 16 in the Code of Federal Regulations(^3))</td>
</tr>
<tr>
<td>• Consumer products AND • Hazardous substances - As defined in ■ The Consumer Product Safety Act (see 15 U.S.C. 2051 et seq.) AND ■ The Federal Hazardous Substances Act (see 15 U.S.C. 1261 et seq.)</td>
<td>• Labeled as required by - The Federal Seed Act (see Title 7 U.S.C. Chapter 37 Section 1551 et seq.) AND - Labeling requirements issued under Federal Seed Act by the United States Department of Agriculture(^1)</td>
</tr>
</tbody>
</table>
| • Agricultural seed AND • Vegetable seed treated with pesticides | \(^1\)This federal act is included in the United States Code. See http://www.access.gpo.gov/uscode/uscmain.html
\(^2\)See http://www.epa.gov
\(^3\)See http://www.access.gpo.gov/nara/cfr/index.html

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 06-08-087, § 296-839-40005, filed 4/4/06, effective 9/1/06; WSR 03-01-096, § 296-839-40005, filed 12/17/02, effective 6/1/03.]

### WAC 296-839-500 Definitions

The following definitions apply to this chapter:

**Article (manufactured item)**
- Is not a fluid or particle
- Is formed to a specific shape or design during manufacture for a particular end use function
- Releases only trace amounts of a hazardous chemical during normal use and does not pose a physical or health risk to employees.

**Chemical**
- An element or mixture of elements
- A compound or mixture of compounds
- A mixture of elements and compounds

Included are manufactured items (such as bricks, welding rods and sheet metal) that are not exempt as an article.

**Chemical name**
- The scientific designation of a chemical developed by - The International union of pure and applied chemistry (IUPAC)
- Chemical abstracts service (CAS) rules of nomenclature

**Combustible liquid**
- Liquids with a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). A mixture with at least 99% of its components having flashpoints of 200°F (93.3°C), or higher, is not considered a combustible liquid.

**Commercial account**
- An arrangement where a retailer is selling hazardous chemicals to an employer
- Generally in large quantities over time
- At costs below regular retail price.

**Common name**
- Any designation or identification used to identify a chemical other than the chemical name, such as a - Code name or number
- Trade or brand name

**Compressed gas**
- A contained gas or mixture of gases with an absolute pressure greater than:
- 40 psi at 70°F (21.1°C)
OR
- 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)

OR
• A liquid with a vapor pressure greater than 40 psi at 100°F (37.8°C), as determined by ASTM D323-72.

Container
A vessel, other than a pipe or piping system, that holds a hazardous chemical. Examples include:
• Bags
• Barrels
• Bottles
• Boxes
• Cans
• Cylinders
• Drums
• Reaction vessels
• Storage tanks
• Rail cars.

Designated representative
• An individual or organization with written authorization from an employee

OR
• A recognized or certified collective bargaining agent (not necessarily authorized by an employee)

OR
• A legal representative of a deceased or legally incapacitated employee.

Distributor
A business that supplies hazardous chemicals to other employers. Included are employers who conduct retail and wholesale transactions.

Explosive
A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Flashpoint
The minimum temperature at which a liquid gives off an ignitable concentration of vapor, when tested by any of the following measurement methods:
• Tagliabue closed tester. Use this for liquids with a viscosity less than, 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not tend to form a surface film under test. See American National Standard Method of Test for Flashpoint by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)
• Setaflash closed tester. See American National Standard Method of Test for Flashpoint by Setaflash Closed Tester (ASTM D 3278-78)

Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

Hazardous chemical
A chemical, which is a physical or health hazard.

Health hazard
A chemical that may cause health effects in short or long-term exposed employees based on statistically significant evidence from a single study conducted by using established scientific principles.

Hazardous chemical
A chemical, which is a physical or health hazard.

Health hazard
A chemical that may cause health effects in short or long-term exposed employees based on statistically significant evidence from a single study conducted by using established scientific principles.

Hazardous chemical
A chemical, which is a physical or health hazard.

Health hazard
A chemical that may cause health effects in short or long-term exposed employees based on statistically significant evidence from a single study conducted by using established scientific principles.

Identity
A chemical or common name listed on the material safety data sheet (MSDS) and label.
Importer
The first business, within the Customs Territory of the United States, that receives hazardous chemicals produced in other countries and supplies them to manufacturers, distributors or employers within the United States.

Label
Written, printed, or graphic material displayed on, or attached to, a container of hazardous chemicals.

Manufacturer
An employer with a workplace where one or more chemicals (including items not exempt as "articles," see Table 1 in this chapter) are produced for use or distribution.

Material safety data sheet (MSDS)
Written, printed or electronic information (on paper, microfiche, or on-screen) that informs manufacturers, distributors or employers about the chemical, its hazards and protective measures as required by this rule.

Mixture
A combination of two or more chemicals that retain their chemical identity after being combined.

Organic peroxide
An organic compound containing the bivalent-O-O-structure. It may be considered a structural derivative of hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Oxidizer
A chemical, other than a blasting agent or explosive as defined in WAC 296-52-417 or 29 C.F.R. 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits
See chapter 296-841 WAC, for definition of this term.

Physical hazards
A chemical that has scientifically valid evidence to show it is one of the following:
- A combustible liquid
- A compressed gas
- Explosive
- Flammable
- An organic peroxide
- An oxidizer
- Pyrophoric
- Unstable (reactive)
- Water-reactive.

Produce
To do one or more of the following:
- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage.

Pyrophoric
Chemicals that ignite spontaneously in the air at a temperature of 130°F (54.4°C) or below.

Responsible party
Someone who can provide more information about the hazardous chemical and appropriate emergency procedures.

Retailer

See "distributor."

Threshold limit values (TLVs)
Airborne concentrations of substances established by the American Conference of Governmental Industrial Hygienists (ACGIH), and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse health effects.

TLVs are specified in the most recent edition of the Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices and include the following categories:
- Threshold limit value-time-weighted average (TLV-TWA)
- Threshold limit value-short-term exposure limit (TLV-STEL)
- Threshold limit value-ceiling (TLV-C).

Unstable (reactive)
A chemical in its pure state, or as produced or transported, that will vigorously polymerize, decompose, condense, or become self-reactive under conditions of shocks, pressure or temperature.

Use
To do one or more of the following:
- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer.

Water-reactive
A chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

Wholesaler
See "distributor."

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 05-03-093, § 296-839-500, filed 1/18/05, effective 3/1/05; WSR 03-01-096, § 296-839-500, filed 12/17/02, effective 6/1/03.]