
WAC 296-901-14008 Hazard classification.

- (1) Chemical manufacturers and importers must evaluate chemicals produced in their workplaces or imported by them to classify the chemicals in accordance with this section. For each chemical, the chemical manufacturer or importer must determine the hazard classes, and where appropriate, the category of each class that apply to the chemical being classified. Employers are not required to classify chemicals unless they choose not to rely on the classification performed by the chemical manufacturer or importer for the chemical to satisfy this requirement.
- (2) Chemical manufacturers, importers or employers classifying chemicals must identify and consider the full range of available scientific literature and other evidence concerning the potential hazards. There is no requirement to test the chemical to determine how to classify its hazards. WAC 296-901-14022, Appendix A-Health hazard criteria must be consulted for classification of health hazards, and WAC 296-901-14024, Appendix B-Physical hazard criteria must be consulted for the classification of physical hazards.
- (3) Mixtures.
 - (a) Chemical manufacturers, importers, or employers evaluating chemicals must follow the procedures described in WAC 296-901-14022, Appendix A--Health hazard criteria and WAC 296-901-14024, Appendix B--Physical hazard criteria to classify the hazards of the chemicals, including determinations regarding when mixtures of the classified chemicals are covered by this section.
 - (b) When classifying mixtures they produce or import, chemical manufacturers and importers of mixtures may rely on the information provided on the current safety data sheets of the individual ingredients, except where the chemical manufacturer or importer knows, or in the exercise of reasonable diligence should know, that the safety data sheet misstates or omits information required by this section.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 14-07-086 (Order 13-08), § 296-901-14008, filed 03/18/14, effective 05/01/14. Statutory Authority: RCW 49.17.010, .040, .050, and .060. 13-06-050 (Order 12-26), § 296-901-14008, filed 03/05/13, effective 04/15/13.]

WAC 296-901-14010 Written hazard communication program.

- (1) Employers must develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in WAC 296-901-14012, 296-901-14014, and 296-901-14016 for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:
 - (a) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and
 - (b) The methods the employer will use to inform employees of the hazards of nonroutine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.
- (2) *Multi-employer workplaces.* Employers who produce, use, or store hazardous chemicals at a workplace in such a way that the employees of other employer(s) may be exposed (for example, employees of a construction contractor working on-site) must additionally ensure that the hazard communication programs developed and implemented under this section include the following:
 - (a) The methods the employer will use to provide the other employer(s) on-site access to safety data sheets for each hazardous chemical the other employer(s)' employees may be exposed to while working;

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- (b) The methods the employer will use to inform the other employer(s) of any precautionary measures that need to be taken to protect employees during the workplace's normal operating conditions and in foreseeable emergencies; and
 - (c) The methods the employer will use to inform the other employer(s) of the labeling system used in the workplace.
- (3) The employer may rely on an existing hazard communication program to comply with these requirements, provided that it meets the criteria established in this section.
 - (4) The employer must make the written hazard communication program available, upon request, to employees, their designated representatives, the department according to the requirements of this section.
 - (5) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the written hazard communication program may be kept at the primary workplace facility.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 13-06-050 (Order 12-26), § 296-901-14010, filed 03/05/13, effective 04/15/13.]

WAC 296-901-14012 Labels and other forms of warning.

- (1) *Labels on shipped containers.* The chemical manufacturer, importer, or distributor must ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked. Hazards not otherwise classified do not have to be addressed on the container. Where the chemical manufacturer or importer is required to label, tag or mark the following information must be provided:
 - (a) Product identifier;
 - (b) Signal word;
 - (c) Hazard statement(s);
 - (d) Pictogram(s);
 - (e) Precautionary statement(s); and
 - (f) Name, address, and telephone number of the chemical manufacturer, importer, or other responsible party.
- (2) The chemical manufacturer, importer, or distributor must ensure that the information provided under subsection (1)(a) through (e) of this section is in accordance with WAC 296-901-14026, Appendix C-Allocation of label elements, for each hazard class and associated hazard category for the hazardous chemical, prominently displayed, and in English (other languages may also be included if appropriate).
- (3) The chemical manufacturer, importer, or distributor must ensure that the information provided under subsection (1)(b) through (d) of this section is located together on the label, tag, or mark.
- (4) *Solid materials.*
 - (a) For solid metal (such as a steel beam or a metal casting), solid wood, or plastic items that are not exempted as articles due to their downstream use, or shipments of whole grain, the required label may be transmitted to the customer at the time of the initial shipment, and need not be included with subsequent shipments to the same employer unless the information on the label changes;

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- (b) The label may be transmitted with the initial shipment itself, or with the safety data sheet that is to be provided prior to or at the time of the first shipment; and
 - (c) This exception to requiring labels on every container of hazardous chemicals is only for the solid material itself, and does not apply to hazardous chemicals used in conjunction with, or known to be present with, the material and to which employees handling the items in transit may be exposed (for example, cutting fluids or pesticides in grains).
- (5) Chemical manufacturers, importers, or distributors must ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked in accordance with this section in a manner which does not conflict with the requirements of the Hazardous Materials Transportation Act (49 U.S.C. 1801 *et seq.*) and regulations issued under that act by the Department of Transportation.
- (6) Workplace labeling. Except as provided in subsection (7) and (8) of this section, the employer must ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with either:
- (a) The information specified under subsection (1)(a) through (d) of this section for labels on shipped containers; or
 - (b) Product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.
- (7) The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers to which it is applicable and conveys the information required under subsection (6) of this section to be on a label. The employer must ensure the written materials are readily accessible to the employees in their work area throughout each work shift.
- (8) The employer is not required to label portable containers into which hazardous chemicals are transferred from labeled containers, and which are intended only for the immediate use of the employee who performs the transfer. For purposes of this section, drugs which are dispensed by a pharmacy to a health care provider for direct administration to a patient are exempted from labeling.
- (9) The employer must not remove or deface existing labels on incoming containers of hazardous chemicals, unless the container is immediately marked with the required information.
- (10) The employer must ensure that workplace labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift. Employers having employees who speak other languages may add the information in their language to the material presented, as long as the information is presented in English as well.
- (11) Chemical manufacturers, importers, distributors, or employers who become newly aware of any significant information regarding the hazards of a chemical must revise the labels for the chemical within six months of becoming aware of the new information, and must ensure that labels on containers of hazardous chemicals shipped after that time contain the new information. If the chemical is not currently produced or imported, the chemical manufacturer, importer, distributor, or employer must add the information to the label before the chemical is shipped or introduced into the workplace again.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 13-06-050 (Order 12-26), § 296-901-14012, filed 03/05/13, effective 04/15/13.]

WAC 296-901-14014 Safety data sheets.

- (1) Chemical manufacturers and importers must obtain or develop a safety data sheet for each hazardous chemical they produce or import. Employers must have a safety data sheet in the workplace for each hazardous chemical which they use.
- (2) The chemical manufacturer or importer preparing the safety data sheet must ensure that it is in English (although the employer may maintain copies in other languages as well), and includes at least the following section numbers and headings, and associated information under each heading, in the order listed (*see* WAC 296-901-14028, Appendix D-Safety data sheets, for the specific content of each section of the safety data sheet):
 - (a) Section 1, Identification;
 - (b) Section 2, Hazard(s) identification;
 - (c) Section 3, Composition/information on ingredients;
 - (d) Section 4, First-aid measures;
 - (e) Section 5, Firefighting measures;
 - (f) Section 6, Accidental release measures;
 - (g) Section 7, Handling and storage;
 - (h) Section 8, Exposure controls/personal protection;
 - (i) Section 9, Physical and chemical properties;
 - (j) Section 10, Stability and reactivity;
 - (k) Section 11, Toxicological information;
 - (l) Section 12, Ecological information;
 - (m) Section 13, Disposal considerations;
 - (n) Section 14, Transport information;
 - (o) Section 15, Regulatory information; and
 - (p) Section 16, Other information, including date of preparation or last revision.

Note 1 to WAC 296-901-14014(2):

To be consistent with the GHS, an SDS must also include the headings in WAC 296-901-14014 (2)(m) through (o) in order.

Note 2 to WAC 296-901-14014(2):

The department will not be enforcing information requirements in SDS sections 12 through 15 (WAC 296-901-14014 (2)(l) through (o), as these areas are not under its jurisdiction.

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- (3) If no relevant information is found for any subheading within a section on the safety data sheet, the chemical manufacturer, importer or employer preparing the safety data sheet must mark it to indicate that no applicable information was found.
- (4) Where complex mixtures have similar hazards and contents (i.e., the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the chemical manufacturer, importer or employer may prepare one safety data sheet to apply to all of these similar mixtures.
- (5) The chemical manufacturer, importer or employer preparing the safety data sheet must ensure that the information provided accurately reflects the scientific evidence used in making the hazard classification. If the chemical manufacturer, importer or employer preparing the safety data sheet becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information must be added to the safety data sheet within three months. If the chemical is not currently being produced or imported, the chemical manufacturer or importer must add the information to the safety data sheet before the chemical is introduced into the workplace again.
 - (a) Chemical manufacturers or importers must ensure that distributors and employers are provided an appropriate safety data sheet with their initial shipment, and with the first shipment after a safety data sheet is updated;
 - (b) The chemical manufacturer or importer must either provide safety data sheets with the shipped containers or send them to the distributor or employer prior to or at the time of the shipment;
 - (c) If the safety data sheet is not provided with a shipment that has been labeled as a hazardous chemical, the distributor or employer must obtain one from the chemical manufacturer or importer as soon as possible; and
 - (d) The chemical manufacturer or importer must also provide distributors or employers with a safety data sheet upon request.
- (6) Distributors must ensure that safety data sheets, and updated information, are provided to other distributors and employers with their initial shipment and with the first shipment after a safety data sheet is updated.
 - (a) The distributor must either provide safety data sheets with the shipped containers, or send them to the other distributor or employer prior to or at the time of the shipment;
 - (b) Retail distributors selling hazardous chemicals to employers having a commercial account must provide a safety data sheet to such employers upon request, and must post a sign or otherwise inform them that a safety data sheet is available;
 - (c) Wholesale distributors selling hazardous chemicals to employers over-the-counter may also provide safety data sheets upon the request of the employer at the time of the over-the-counter purchase, and must post a sign or otherwise inform such employers that a safety data sheet is available;
 - (d) If an employer without a commercial account purchases a hazardous chemical from a retail distributor not required to have safety data sheets on file (i.e., the retail distributor does not have commercial accounts and does not use the materials), the retail distributor must provide the employer, upon request, with the name, address, and telephone number of the chemical manufacturer, importer, or distributor from which a safety data sheet can be obtained;

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- (e) Wholesale distributors must also provide safety data sheets to employers or other distributors upon request; and
 - (f) Chemical manufacturers, importers, and distributors need not provide safety data sheets to retail distributors that have informed them that the retail distributor does not sell the product to commercial accounts or open the sealed container to use it in their own workplaces.
- (7) The employer must maintain in the workplace copies of the required safety data sheets for each hazardous chemical, and must ensure that they are readily accessible during each work shift to employees when they are in their work area(s). (Electronic access and other alternatives to maintaining paper copies of the safety data sheets are permitted as long as no barriers to immediate employee access in each workplace are created by such options.)
- (8) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the safety data sheets may be kept at the primary workplace facility. In this situation, the employer must ensure that employees can immediately obtain the required information in an emergency.
- (9) Safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer must ensure that in all cases the required information is provided for each hazardous chemical, and is readily accessible during each work shift to employees when they are in their work area(s).
- (10) Safety data sheets must also be made readily available, upon request, to designated representatives, and the department in accordance with the requirements of WAC 296-901-14010.
- (11) The department of labor and industries will translate certain hazard communication documents upon receipt of written or verbal request (within available resources) to employers or the public, a translation into Cambodian, Chinese, Korean, Spanish, or Vietnamese of any of the following:
- An employer's written Hazard Communication Program;
 - A safety data sheet; or
 - Written materials prepared by the department to inform employees of their rights described in this rule, regarding hazard communication.

Note: Written request for translations should be directed to:

*Department of Labor and Industries
Right-To-Know Program
P.O. Box 44610
Olympia, WA 98504-4610*

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 14-07-086 (Order 13-08), § 296-901-14014, filed 03/18/14, effective 05/01/14. Statutory Authority: RCW 49.17.010, .040, .050, and .060. 13-06-050 (Order 12-26), § 296-901-14014, filed 03/05/13, effective 04/15/13.]

WAC 296-901-14016 Employee information and training.

- (1) Employers must provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area. Information and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals. Chemical-specific information must always be available through labels and safety data sheets.

WAC 296-901-14016 (Cont.)

- (2) *Information.* Employees must be informed of:
- (a) The requirements of this section;
 - (b) Any operations in their work area where hazardous chemicals are present; and
 - (c) The location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals, and safety data sheets required by this section.
- (3) *Training.* Employee training must include at least:
- (a) Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.);
 - (b) The physical, health, simple asphyxiation, combustible dust, and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area;
 - (c) The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used; and
 - (d) The details of the hazard communication program developed by the employer, including an explanation of the labels received on shipped containers and the workplace labeling system used by their employer; the safety data sheet, including the order of information and how employees can obtain and use the appropriate hazard information.

Note: You must make the written Chemical Hazard Communication Program available, upon request, to employees, their designated representatives, the department, and NIOSH, in accordance with the requirements of chapter [296-802](#) WAC, Employee medical and exposure records.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 13-06-050 (Order 12-26), § 296-901-14016, filed 03/05/13, effective 04/15/13.]

WAC 296-901-14018 Trade secrets.

- (1) The chemical manufacturer, importer, or employer may withhold the specific chemical identity, including the chemical name, other specific identification of a hazardous chemical, or the exact percentage (concentration) of the substance in a mixture, from the safety data sheet, provided that:
- (a) The claim that the information withheld is a trade secret can be supported;
 - (b) Information contained in the safety data sheet concerning the properties and effects of the hazardous chemical is disclosed;
 - (c) The safety data sheet indicates that the specific chemical identity and/or percentage of composition is being withheld as a trade secret; and
 - (d) The specific chemical identity and percentage is made available to health professionals, employees, and designated representatives in accordance with the applicable provisions of this section.