

CHAPTER 307. MATERIAL SAFETY DATA SHEET (MSDS)

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Cross References

This chapter cited in 34 Pa. Code § 301.3 (relating to jurisdiction/exemptions); 34 Pa. Code § 301.4 (relating to effective dates); and 34 Pa. Code § 319.2 (relating to prohibitions of discharge or discipline).

§ 307.1. Purpose and scope.

This chapter implements the content, format, maintenance and disclosure requirements for MSDSs under sections 4 and 5 of the act (35 P. S. §§ 7304 and 7305).

§ 307.2. Contents of MSDSs.

(a) The information in the MSDS shall be in English and shall reflect the contents of the relevant National Library of Medicine computer files and the latest edition of the National Fire Association's *Fire Protection Guide on Hazardous Materials*. Subject to the trade secret provisions of section 11 of the act (35 P. S. § 7311) and Chapter 317 (relating to trade secrets), it shall also include, but not be limited to, the following information, if applicable:

(1) The chemical name, the Chemical Abstracts Service number, the trade name, common names and other names under which the substance is regulated by another State or Federal agency.

(2) The chemical name, common name and Chemical Abstracts Service number of every chemical contained in the substance which comprises 3.0% or more of the substance, except that hazardous substances shall be listed if they comprise 1.0% or more of the substance, and special hazardous substances which comprise 0.01% or more of the substance shall be listed.

(3) A reference to relevant information on the hazardous substance from the NIOSH Registry of Toxic Effects of Chemical Substances.

- (4) The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, melting point, physical state, color and odorous properties at standard conditions of temperature and pressure.
 - (5) The flash point, auto ignition temperature, percentage of volume of flammable limits, the recommended fire extinguishing media, special firefighting procedure and other unusual fire or explosion hazards.
 - (6) The hazards, posed by the substance, including its toxicity, tumorigenicity, mutagenicity, reproductive flammability, explosiveness, corrosivity and reactivity, including specific information on its reactivity with water.
 - (7) A description, in nontechnical language, of the acute and chronic health effects of exposure to the substance, including the signs and symptoms of exposure, and medical conditions which are generally recognized as being aggravated by exposure to the substance.
 - (8) The permissible exposure level, threshold limit value, short-term ceiling and other established limit values as set by OSHA, National Institute of Occupational Safety and Health, American Industrial Hygiene Association and American Conference of Governmental Industrial Hygienists.
 - (9) The potential routes and symptoms of exposure to the hazardous substances.
 - (10) Emergency first aid procedures in case of inhalation, swallowing, eye splashes and skin contamination, including a telephone number to be called day or night in an emergency and special information needed by medical practitioners treating persons.
 - (11) The appropriate emergency and first aid procedures for spills, fires, potential explosions and accidental or unplanned emissions involving the hazardous substance.
 - (12) Recommended waste disposal method, if applicable.
 - (13) Personal protective equipment to be worn or used when handling or otherwise coming in contact with the substance and special precautions, recommended engineering controls or work practices to be used in handling the substance.
 - (14) A description of the extent of testing performed on the substance.
 - (15) A description of the known synergistic or additive effects reasonably anticipated by exposure to the substance and to other substances over the same period of time.
 - (16) For mixtures, a description of known dangers or hazards created by the mixture that are greater than and would not be otherwise disclosed by the Hazardous Substance Fact Sheets for the constituent chemical substances.
 - (17) The name, address and telephone number of the manufacturer of the chemical.
 - (18) Date of preparation or last revision of the sheet.
- (b) An MSDS which contains the following information is considered to have met the requirements of this section:

(1) The chemical name, the Chemical Abstracts Service number, the trade name, common name and other names under which the substance is regulated by another State or Federal Agency.

(2) The chemical name, common name and Chemical Abstracts Service number of every chemical contained in the substance which comprises 3% or more of the substance except that hazardous substances shall be listed if they comprise 1% or more of the substance, and special hazardous substances which comprise .01% or more of the substance shall be listed.

(3) The information required by 29 CFR 1900.1200(g)(2) (relating to hazard communication).

Cross References

This section cited in 34 Pa. Code § 307.3 (relating to format of MSDSs).

§ 307.3. Format of MSDSs.

(a) *Submission.* MSDSs may be submitted to the Department in one of the following formats:

(1) Forms provided by the Department.

(2) Computer magnetic tape, microfiche or floppy disks, if these formats are submitted in accordance with record layouts prescribed by the Department.

(3) Other formats which contain the information required by § 307.2 (relating to contents of MSDSs), if both the requesting party and the providing party agree to the format.

(b) *Chemical identification sheets.* An employer or supplier may provide the information requested in § 307.2(a)(2) by affixing a chemical identification sheet containing the information to an already existing MSDS and it shall be considered an integral part of the MSDS.

§ 307.4. Similar substances.

If hazardous mixtures have similar contents and hazards, but vary in specific composition, the supplier or employer may prepare one MSDS to apply to all of the similar hazardous mixtures, if the MSDS:

(1) Identifies the various mixtures by the names to which it applies.

(2) Is correct in all respects and correctly states the constituent chemicals in the hazardous mixtures.

§ 307.5. Dilution with water.

It is not necessary to produce a new MSDS when a hazardous substance is diluted with water.

§ 307.6. Duty to test.

No employer or supplier is required to conduct studies to develop new information.

§ 307.7. Agricultural mixtures.

If a farm supplier combines one or more chemicals for agricultural use, the farm supplier may substitute MSDSs for the ingredients in the mixture in lieu of preparing a new MSDS.

§ 307.8. Responsibility for preparing MSDSs.

(a) Manufacturers, importers or suppliers, as a condition of doing business in this Commonwealth, shall prepare an MSDS for each hazardous substance or hazardous mixture they produce or import.

(b) Distributors who are not manufacturers, suppliers or importers have no obligation to prepare an MSDS.

Source

The provisions of this § 307.8 adopted August 1, 1986, effective August 2, 1986, 16 Pa.B. 2909; amended March 25, 1988, effective in accordance with § 301.4, 18 Pa.B. 1471. Immediately preceding text appears at serial pages (109978) to (109979).

Cross References

This section cited in 34 Pa. Code § 301.3 (relating to jurisdiction/exemptions); and 34 Pa. Code § 307.13 (relating to new information).

§ 307.9. Responsibility for providing MSDSs to purchasers.

(a) Manufacturers, importers or suppliers:

(1) Shall ensure that purchasers of hazardous substances or hazardous mixtures are provided with an appropriate MSDS at the following times:

- (i) With their initial shipment.
- (ii) With the first shipment after an MSDS is updated.

(2) Shall ensure that purchasers of any other chemical delivered to a point within this Commonwealth are provided an appropriate MSDS, if the manufacturer, importer or supplier produces or possesses the MSDS.

(3) Shall notify purchasers of hazardous substances or hazardous mixtures that the hazardous substance or hazardous mixture is subject to the act.

(4) May mail the MSDS to the purchaser at the time of shipment in lieu of physically attaching the MSDS to the container they ship.

(b) Distributors:

(1) Shall ensure that purchasers of hazardous substances or hazardous mixtures are provided an appropriate MSDS at the following times:

- (i) With their initial shipment.
- (ii) With the first shipment after an MSDS is updated.

(2) Shall notify purchasers of hazardous substances or hazardous mixtures that the hazardous substance or hazardous mixture is subject to the act.

(3) May mail the MSDS to the purchaser at the time of shipment in lieu of physically attaching the MSDS to the container they ship.

Source

The provisions of this § 307.9 adopted August 1, 1986, effective August 2, 1986, 16 Pa.B. 2909; amended March 25, 1988, effective in accordance with § 301.4, 18 Pa.B. 1471. Immediately preceding text appears at serial pages (109979) to (109980).

Cross References

This section cited in 34 Pa. Code § 307.13 (relating to new information).

§ 307.10. Responsibility for providing MSDSs to the Department.

Manufacturers, importers or suppliers shall mail to the Department:

(1) One copy of an MSDS for a hazardous substance or hazardous mixture which they produce within or deliver to a point in this Commonwealth, at the same time as their initial shipment to an employer within this Commonwealth.

(2) One copy of an MSDS for another chemical for which they produce or possess an MSDS at the time of the initial shipment of the chemical to an employer in this Commonwealth.

(3) One copy of an updated MSDS at the same time the updated MSDS is provided to an employer within this Commonwealth.

(4) For the situations described in paragraphs (1)—(3) the manufacturer, importer or supplier need only mail one copy of the MSDS to the Department. Once an MSDS is on file with the Department, copies need not be provided with each shipment of the chemical to different customers, except as provided in paragraph (3).

Cross References

This section cited in 34 Pa. Code § 307.13 (relating to new information).

§ 307.10a. Employer responsibilities for obtaining and maintaining MSDSs.

Employers shall obtain and maintain an MSDS for each hazardous substance or hazardous mixture in the workplace. If an MSDS is not provided with the shipment, the employer shall obtain one from the manufacturer, importer, supplier or distributor.

Source

The provisions of this § 307.10a adopted March 25, 1988, effective in accordance with § 301.4, 18 Pa.B. 1471.

§ 307.11. Employer's responsibilities to provide MSDSs to employees.

(a) (Reserved).

(b) The nonmanufacturing employer shall make readily available without permission or intervention from management or a supervisor, in every work area, if practical, the MSDS for every hazardous substance or hazardous mixture to which the employe working in the work area may be exposed. If it is impractical

to make an MSDS readily available in a work area without permission or intervention from management or supervision, the MSDS shall be made available in a location as close to the work area as is practical so that employes may have access to the MSDSs without permission or intervention of management or supervision.

(c) The nonmanufacturing employer shall furnish, upon the request of an employe or employe representative, an MSDS for a hazardous substance or hazardous mixture present in the employer's workplaces.

(d) The nonmanufacturing employer shall furnish a copy of an MSDS to an employe or employe representative within 5 working days of the receipt of a written request.

(1) If the nonmanufacturing employer is in possession of the requested MSDS, and fails to give the MSDS to the employe or employe representative, the employe has the right to refuse to work with the specific hazardous substance, without penalty, until the information requested is provided.

(2) If the nonmanufacturing employer is not in possession of the requested MSDS, the employer shall:

(i) Within 5 working days of the receipt of the employe's written request, notify the employe in writing that the information is not in the employer's possession.

(ii) Within 15 working days of the written notification to the employe, the employer shall attempt to obtain the requested information from the supplier and the Department, and shall document the attempts. Upon receipt of the nonmanufacturing employer's request, the Department will immediately attempt to obtain the requested information from the supplier and notify the nonmanufacturing employer of the attempt.

(iii) The employe has the right to refuse to work, without penalty, until the requested information is furnished, unless the nonmanufacturing employer and the Department have taken the actions prescribed in this section.

(3) Reassignment of an employe to other work, at equal pay and benefits, is not considered a penalty under this section.

Source

The provisions of this § 307.11 adopted August 1, 1986, effective August 2, 1986, 16 Pa.B. 2909; amended March 25, 1988, effective in accordance with § 301.4, 18 Pa.B. 1471. Immediately preceding text appears at serial pages (109980) to (109981).

Cross References

This section cited in 34 Pa. Code § 307.13 (relating to new information).

§ 307.12. Responsibilities for providing MSDSs to emergency response agencies.

Employers shall furnish copies of relevant MSDSs upon a written request from a local police, fire or emergency response agency within whose jurisdiction the employer falls, within 20 days of receipt of the request. The agencies shall only use the MSDS for its official business.

Source

The provisions of this § 307.12 adopted August 1, 1986, effective August 2, 1986, 16 Pa.B. 2909; amended March 25, 1988, effective in accordance with § 301.4, 18 Pa.B. 1471. Immediately preceding text appears at serial page (109982).

§ 307.13. New information.

If a supplier receives or discovers relevant new information regarding a hazardous substance, the supplier shall make the information available to the Department and to employers to which the supplier had previously provided an MSDS under §§ 307.8—307.11 (relating to responsibility for preparing MSDSs; responsibility for providing MSDSs to purchasers; responsibility for providing MSDSs to the Department; employer's responsibilities to provide MSDSs to employees). The nonmanufacturing employer shall, in turn, make the information available to employees and the employees' representatives, upon receipt of the new information.

Cross References

This section cited in 34 Pa. Code § 301.3 (relating to jurisdiction/exemptions).

§ 307.14. Limitation of fees.

MSDSs, educational and other materials shall be furnished by a nonmanufacturing employer upon request to an employee or employee representative at no cost to the employee or employee representative. If an employee making the request has requested and received the same information about the same substance within the preceding 12 months, the nonmanufacturing employer may impose a reasonable charge, not to exceed the costs of reproduction, for the information. No fee may be charged if a requesting employee's job assignment has changed or there is new information available concerning the subjects about which information is required to be provided. The nonmanufacturing employer may not charge fees for requests by a certified or recognized bargaining agent to the extent the person is acting in his capacity as a certified or recognized bargaining agent.

§ 307.15. Public access.

(a) A person living or working in this Commonwealth and who is not a competitor may request from the Department an MSDS on file and the Department will transmit the requested material within 45 days of receipt of the request.

(b) If an employer receives a request for an MSDS from the Department, the employer shall respond with the appropriate information within 20 days of the Department's request. If the employer does not possess the requested information, the employer shall notify the Department in writing, within 20 days of the Department's request, documenting the reasons why the requested information is not available and what attempts have been made to obtain the information.

(c) The name and address of the requestor will be treated by the Department as confidential, except as provided by § 321.2(a) (relating to complaint and investigation procedure). Requests shall be made under §§ 305.2(c) and 305.3(c) (relating to maintenance and disclosure of Hazardous Substance Survey Forms and maintenance and disclosure of Environmental Hazard Survey Forms). Materials shall be available at a fee not to exceed the cost of reproducing them.

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