Contractors should be aware of OSHA's standard

by Carl Good, NRCA director of membership development

OSHA's Hazard Communication Standard has been called the most significant rule ever developed by the agency. But even though the standard went fully into effect May 25, estimates are that most employers and manufacturers covered under the standard are not yet complying with its regulations.

The Standard requires all employers in SIC codes 20-39 (Division D, *Standard Industrial Classification Manual*) to inform their employees of the chemical hazards the companies produce or import. This information is to be provided through training, labeling and material safety data sheets (MSDS). The standard's goal is to reduce the incidence of illness and injury caused by contact with hazardous chemicals in the workplace. To accomplish this goal, the Standard establishes uniform requirements for evaluating chemicals and communicating this hazard information to the employers and employees who must work with the substances.

According to the standard, chemicals that are listed in one of the following sources are to be considered hazardous in all cases:

- 29 CFR 1910, Subpart Z, *Toxic and Hazardous Substances,* OSHA; and
- *Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment,* American Conference of Governmental Industrial Hygienists (ACGIH).

Workers are also to be informed if chemicals are listed as suspected or confirmed carcinogens in one of the following sources:

- "Annual Report on Carcinogens," National Toxicology Program;
- monographs from the International Agency for Research on Cancer; or
- 29 CFR 1910, Subpart Z, *Toxic and Hazardous Substances,* OSHA.

Currently, the federal OSHA standard applies only to the manufacturing sector, it does not yet regulate contractors. But many states have proposed standards that go beyond the federal standard and cover the entire workforce. Also legislative and OSHA efforts across the country foretell a broader standard on the federal level. Because the intent of the standard is to protect workers, it seems likely its regulations may be applied to businesses beyond the manufacturing sector in the future. Just how this expansion will take place remains to be seen.

Even in the business sectors already covered by the standard, compliance has been sketchy and inconsistent. Because the standard is performance-oriented, it leaves room for individual interpretation of its regulations. This has led to some confusion about the proper way to label products, report hazards, and train and retrain workers.

Managers attempting to find some direction in such a vague standard would do well to remember that its regulations apply to "foreseeable" circumstances as well as present conditions. If it is possible for workers under certain foreseeable circumstances to be exposed to potential health hazards, MSDSs should be kept on hand for these products, and workers should be trained accordingly.

Because of the likelihood that roofing contractors will be covered under some type of right-to-know law, it is essential that they pay close attention to the quality of the MSDSs they receive. These documents should be accurate, complete and contain at least the following information:

- the chemical's name and any common names;
- the hazards or risks associated with the substance, including the potential for fire, explosion, corrosivity and reactivity; the acute and chronic health effects resulting from exposure, including any medical conditions that might be aggravated by exposure; the potential route of entry (skin, ingestion, inhalation, etc.) and symptoms of overexposure; and the OSHA permissable exposure limit, the ACGIH threshold limit value and any known exposure limit;
- a statement indicating if the chemical is listed as a potential carcinogen by one of the recognized sources;

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- the proper precautions, handling practices, necessary personal protective equipment and other safety precautions associated with the use of, or exposure to, the substances, including the appropriate emergency treatment in the case of overexposure at hazardous levels;
- the emergency procedures for spills, fire, disposal and first aid; and
- the month and year that the information was compiled, and the name, address and emergency telephone number of the manufacturer responsible for preparing the information.

Other information, which may not be included on the MSDS should also be sought. This includes:

Comprehensive physical data. Many physical data sections are made out only for the most hazardous component of the product. However, the mixture of chemicals in the product may present a different hazard to the worker. For this reason, a comprehensive listing of hazard information is needed.

Reactivity. Worst-case conditions involving both the chemical and its container should be considered when listing the chemical's hazardous reactions to other substances. The possible consequences of a container leak, for example, should be taken into account.

Note to physicians. Here, emergency first aid procedures should be given in greater detail, not necessarily in lay language.

Disposal information. This information should include several options for disposing of the product in non-emergency situations. These choices are usually listed in order of preference. Users must also be warned of any unacceptable disposal options. When using this information, contractors must realize that disposal laws may vary from state to state.

Transportation data. This should include the proper shipping name; the Department of Transportation classifica-

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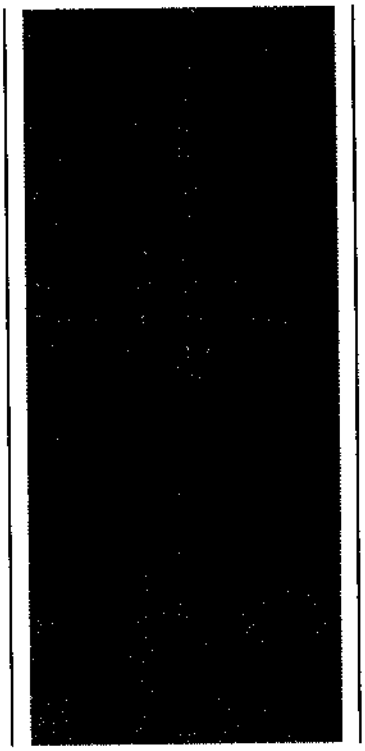

tion, labels, markings and placards: the UN/NA numbers; the hazardous substances RQ; and the EPA hazardous waste number. All of this information is currently required when transporting hazardous materials or waste, and, when displayed on an MSDS, it is a great way to check shipments in receiving.

Additional regulatory concerns. This category might contain, for example, a warning about the reuse of drum containers before proper recycling has been done.

A second language. Many states with large immigrant populations are also requiring an MSDS in the native language of the immigrants to be kept on site.

Contractors shouldn't be afraid to write letters to their suppliers demanding complete information. Any effort such as this should be documented to prove that an honest effort was made to obtain all the information necessary for the education and protection of the employees.

An employer's concern for hazard communication should go beyond simple compliance with OSHA regulations. When a company receives detailed product information such as warning labels and MSDSs, there is a duty to provide this information to the employees who handle these hazardous chemicals. Failure to do so, regardless of OSHA compliance, may result in civil or criminal negligence. A recent Illinois court decision confirms this obligation. In this case, a judge convicted three company officials of murder when it was found that they had not warned their employees that they were exposing themselves to dangerous cyanide. Management had, in fact, removed warning labels from chemical containers. After one employee died, the officials were brought to trial under the second section of the Illinois murder statute, which allows prosecution if the defendant "knowingly created a strong probability of death and great bodily harm." The three officials were sentenced to 25 years in prison and fined $10,000.

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