



## A BOWDITCH & DEWEY E-ALERT

# Deadline Fast Approaching to Implement New Safety Data Sheets for Hazardous Chemicals

April 27, 2015

As a reminder, effective June 1, 2015, all Material Safety Data Sheets (MSDS) for hazardous chemicals must be replaced with new Safety Data Sheets (SDS). Pursuant to OSHA's May 25, 2012 final rule, which aligned OSHA's Hazard Communication Standard with the UN Globally Harmonized System of Classification and Labelling of Chemicals (GHS), the new system must be implemented by all chemical manufacturers, importers, distributors and other employers handling hazardous chemicals. The information that must be contained in the SDS is largely the same as in the former MSDS, but must now be presented in a consistent 16-section format. OSHA has provided a [Brief](#) describing these 16 sections and their required contents.

Under the new rule, by June 1, 2015, chemical **manufacturers and importers** must provide SDSs in the new format for each hazardous chemical that they manufacture or import in order to communicate hazard information to their employees and downstream users. To allow time to clear inventory, **distributors** of hazardous chemicals may continue to ship chemicals with the prior labels in stock until December 1, 2015. According to an OSHA [Guidance memorandum](#) on the new law, a downstream user of hazardous chemicals

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will not be cited for failure to maintain a compliant SDS by the deadline if OSHA finds that the downstream user has exercised "reasonable diligence and good faith" in attempting to obtain an SDS from its upstream raw material supplier. **Raw material suppliers** themselves, however, will be strictly held to the June 1, 2015 deadline, according to OSHA's [Guidance](#).

More broadly, the new law requires **all employers** to ensure that SDSs for all hazardous chemicals handled in the workplace are readily accessible to employees by the June 1, 2015 deadline (subject, again, to exercising "reasonable diligence and good faith" in obtaining SDSs from upstream suppliers). OSHA's [Brief](#) sets forth several acceptable methods for compliance, including keeping all SDSs in a binder or on a computer, as long as employees have immediate access to the information without leaving their work area when needed, and a back-up is available for rapid access in case of emergency. OSHA further recommends that employers designate a person, or persons, responsible for obtaining and maintaining the SDSs. If the employer does not have an SDS for any hazardous chemical used in the workplace, the employer or designated person(s) should contact the manufacturer to obtain one.

***All chemical manufacturers, importers, distributors and other employers involved in the handling of hazardous chemicals should review the OSHA guidance cited herein and be prepared to meet the deadlines required under the law for creating, distributing, and maintaining compliant SDSs for each chemical handled.***

Employers with questions about the new law, including modification of existing employment policies, should contact [Timothy Powell](#), who authored this E-Alert, or your attorney at Bowditch & Dewey.



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