

105TH CONGRESS
2^D SESSION

H. R. 4037

IN THE SENATE OF THE UNITED STATES

AUGUST 31, 1998

Received; read twice and referred to the Committee on Labor and Human
Resources

AN ACT

To require the Occupational Safety and Health Administration to recognize that electronic forms of providing Material Safety Data Sheets provide the same level of access to information as paper copies and to improve the presentation of safety and emergency information on such Data Sheets.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ELECTRONIC ACCESS.**

4 In the administration and enforcement of the regula-
5 tion on Hazard Communication, published at 29 C.F.R.
6 Sec. 1910.1200, the Secretary shall provide that an em-
7 ployer complies with the requirement of maintaining and
8 making readily accessible to employees material safety
9 data sheets (MSDS) for each hazardous chemical if such
10 employer makes the MSDS available through electronic
11 access, so long as—

12 (1) the electronic system for retrieving MSDS's
13 is reasonably and readily available to employees in
14 their work areas throughout their work shifts and to
15 representatives of the employees upon reasonable re-
16 quest;

17 (2) the electronic system is capable of providing
18 a paper copy of a retrieved MSDS without unreason-
19 able delay;

20 (3) employees are adequately trained in the use
21 of the electronic system for retrieving MSDS's; and

22 (4) the electronic system provides a means of
23 retrieving information contained in MSDS's in case
24 of a temporary power or equipment failure or other
25 emergency.

1 **SEC. 2. DISPLAY OF SAFETY INFORMATION.**

2 (a) GENERAL RULE.—Under the regulation on
3 Hazard Communication, published at 29 C.F.R. Sec.
4 1910.1200, each chemical manufacturer, importer,
5 or distributor shall prominently display worker safe-
6 ty information described in subsection (b) by ei-
7 ther—

8 (1) attaching to the first page of each material
9 safety data sheet a container label (or facsimile
10 thereof) which includes, at a minimum, the informa-
11 tion described in subsection (b); or

12 (2) attaching to the first page of each material
13 safety data sheet the information described in sub-
14 section (b).

15 (b) INFORMATION.—The information required by
16 subsection (a) shall include—

17 (1) the manufacturer's, importer's, or distribu-
18 tor's name, address, and emergency telephone num-
19 ber (including the hours of operation);

20 (2) the identity of the chemical, using the trade
21 name or chemical name and potentially hazardous
22 ingredients of the chemical;

23 (3) appropriate hazard warnings, with imme-
24 diate hazards listed first;

1 (4) instructions for safe handling and pre-
2 cautionary measures to avoid injury from hazards;
3 and

4 (5) first aid instructions in case of contact or
5 exposure which require immediate treatment before
6 medical treatment is available.

7 Information required under paragraph (5) should be tar-
8 geted to the technical level of the audience and informa-
9 tion required by this subsection shall be presented with
10 the least technical language appropriate.

11 (c) **EFFECTIVE DATE.**—The requirements of sub-
12 section (a) shall apply to material safety data sheets for
13 new or reformulated chemicals beginning 18 months after
14 the date of the enactment of this Act and shall apply to
15 all other material safety data sheets beginning 36 months
16 after such date.

17 **SEC. 3. STUDY.**

18 Not later than 90 days after the date of the enact-
19 ment of this Act, the Secretary of Labor shall initiate a
20 study that assesses and measures the comprehensibility of
21 hazard warnings to industrial workers. Upon completion
22 of the study, the Secretary shall prepare a report and
23 make it available to chemical manufacturers and import-
24 ers which prepare material safety data sheets.

1 **SEC. 4. REPORT ON AGREEMENT.**

2 The Secretary of Labor shall report to the House
3 Committee on Education and the Workforce and the Sen-
4 ate Labor Committee upon United States entry into any
5 international agreement regarding the format or contents
6 of material safety data sheets or labeling of hazardous
7 chemicals with recommendations for changes to the re-
8 quirements of this Act.

 Passed the House of Representatives August 4,
1998.

Attest:

ROBIN H. CARLE,

Clerk.