

FACT SHEET

HCB 006

<p>Standards for Current and Substitute Material Safety Data Sheets (MSDSs) Under the Texas Hazard Communication Act</p>

Texas Hazard Communication Act (THCA) Rules Revisions:

Prior to September 1999 public employers in Texas were required by the THCA to maintain the most recent manufacturer-specific MSDSs for hazardous chemicals which they use or store. The THCA's administrative rules (Title 25 of the Texas Administrative Code (TAC), Section 295.1 – 295.12) were revised effective September 1, 1999, to provide employers with greater flexibility to obtain appropriate MSDSs to comply with the requirements of the THCA. Under these revisions a current substitute MSDS can be used in certain cases.

Standards for "Current" MSDSs:

Per 25 TAC Section 295.5(a), a "current" MSDS is one which contains "the most recent significant hazard information for the hazardous chemical as determined by the chemical's manufacturer." Often chemical manufacturers will update their MSDSs without making significant changes to the chemical hazard information. In these cases, the previous MSDS will be considered "current" for regulatory purposes under §295.5(a).

Appropriate Use of Substitute MSDSs:

A substitute (non-manufacturer-specific) MSDS can be used if it is identical to the manufacturer-specific MSDS both in identity and formulation of the hazardous chemical. The hazardous chemical in question must be consistently prepared or produced by several different manufacturers to established industry standards. The medical treatment information for exposure to the chemical must be readily available to the medical community.

Substitute MSDS Examples:

Motor fuels such as gasoline, diesel, propane, etc.

Automotive fluids such transmission fluid, brake fluid and certain lubricating oils and greases.

Asphalt such as that used in paving and roofing operations.

Liquid household bleach such as Clorox, Purex and certain generic brands that contain the primary ingredient "sodium hypochlorite" in the same concentration.

Questions About MSDSs?

If you have questions about MSDSs or other requirements of the Texas Hazard Communication Act, please contact the Texas Division for Regulatory Services, Enforcement Unit, at 512-834-6665, or www.tdh.state.tx.us/beh/hazcom.

Additional THCA Fact Sheets available from the Enforcement Unit:

FACT SHEET: HCB 002 Revisions to the Administrative Rules of the Texas Hazard Communication Act. Effective September 1, 1999

FACT SHEET: HCB 003 Model Written Hazard Communication Program for Public Employers in Texas

FACT SHEET: HCB 005 Workplace Chemical List

FACT SHEET: HCB 007 Standards for Chemical Container Labels

FACT SHEET: HCB 009 Model Employee Training Roster

FACT SHEET: HCB 017 Standards for Personal Protective Equipment (PPE)

**Prepared by the Texas Department of State Health Services
Division for Regulatory Services
Enforcement Unit
June 2005**