

FACT SHEET

HCB 002

Revisions to the Administrative Rules of the Texas Hazard Communication Act, Effective September 1, 1999

The administrative rules of the Texas Hazard Communication Act (THCA, codified as Title 25 of the Texas Administrative Code, Sections 295.1–295.12), were revised effective September 1, 1999, to achieve greater consistency between the Rules and the THCA (Chapter 502 of the Texas Health and Safety Code). The following revisions are those considered to have the greatest impact on the compliance efforts of public employers.

THCA Rules Revisions:

1. With regard to the workplace in general, §295.2(17) provides employers with the option of subdividing one contiguous workplace into separate workplaces.
2. Regarding chemical container labels, §295.2(6) and §295.6(c), (d), (f) and (g) provide employers with greater flexibility in labeling or re-labeling primary and secondary containers of hazardous chemicals, including very small chemical containers.
3. Regarding Material Safety Data Sheets (MSDSs), §295.5(a) and (c):
 - Provide employers with greater flexibility in maintaining “current” MSDSs.
 - Allow employers to maintain current MSDSs in electronic form as long as the MSDSs are readily available during the same workshift in which they are requested.
 - Allow employers to maintain current “substitute” (not manufacturer-specific) MSDSs for certain hazardous chemicals.
 - Extend employer’s time limit for requesting missing MSDSs from seven to 30 days from receipt of a hazardous chemical.
4. Regarding the written hazard communication program, §295.7(a) and (b):
 - Provide employers the option of developing written hazard communication programs that are specific to each separate workplace or developing a standard written program that can be used or modified for each separate workplace.
 - Provide employers the option of maintaining the written hazard communication program either in printed or electronic form so long as it is available in each workplace to which the program applies.

5. Regarding the issuance of personal protective equipment (PPE) to employees, §295.2(3) and §295.12(g):
- Require employers to ensure appropriate selection, fit testing and functionality of PPE issued to employees.
 - Require employers to provide employees with additional training on maintenance and storage of PPE.
 - No longer hold employers liable for employees' failure to use PPE as long as the employer complies with 295.2(3) and 295.12(g).

Questions? Contact the Division for Regulatory Services, Enforcement Unit, at (512) 834-6665, or www.dshs.state.tx.us/tiertwo.

Additional THCA Fact Sheets available from the Enforcement Unit:

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

FACT SHEET: HCB 005 Workplace Chemical List

FACT SHEET: HCB 006 Standards for Current and Substitute Material Safety Data Sheets (MSDSs)

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)

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