

**General Safety & Health Standards**  
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**Hazard Communication 301**

301. HAZARD COMMUNICATION

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**301. HAZARD COMMUNICATION.** (7-1-97)

**01. Scope:** (7-1-97)

**a.** The hazard communication program shall conform to all other applicable requirements of this standard, as well as the following provisions. Nothing in this standard shall be construed to prohibit better or otherwise safer conditions than specified herein. (7-1-97)

**b.** The purpose of this section is to ensure that the hazards of all chemicals produced or obtained are evaluated, and that information concerning their hazards is transmitted to employers and employees. This transmittal of information shall be accomplished by means of a comprehensive hazard communication program, which shall include container labeling and other forms of warning, material safety data sheets (MSDS), and employee training. (7-1-97)

**02. Definitions:** For definitions of other terms used in this section, see sub-section 010 of this standard. (7-1-97)

**a.** Article is a manufactured item other than a fluid or particle: which is formed to a specific shape or design during manufacture; which has end use function(s) dependent in whole or in part upon its shape or design during end use; and which under normal conditions does not release more than minute or trace amounts if a hazardous chemical. (7-1-97)

**b.** Chemical is any element, chemical compound, or mixture of elements and/or compounds. (7-1-97)

**c.** Chemical Manufacture is an employer with a workplace where chemical(s) are produced for use or distribution. (7-1-97)

**d.** Chemical Name is the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation. (7-1-97)

**e.** Combustible Liquid is any liquid having a flash point at or above one-hundred (100) degrees Fahrenheit but below two-hundred (200) degrees Fahrenheit, except any mixture having components with flashpoints of two-hundred (200) degrees Fahrenheit, or higher, the total of which make up ninety-nine (99) percent or more of the total volume of the mixture. (7-1-97)

**f.** Common Name is any designation or identification such as a code name, code number, trade name, brand name, or generic name used to identify a chemical other than by its chemical name. (7-1-97)

**g.** Compressed Gas is a gas or mixture of gases having, in a container, an absolute pressure exceeding forty (40) psi at seventy (70) degrees Fahrenheit; or a gas or mixture of gases having, in a container, an absolute pressure exceeding one-hundred-four (104) psi at one-hundred-thirty (130) degrees Fahrenheit regardless of the pressure at seventy (70) degrees Fahrenheit; or a liquid having a vapor pressure exceeding forty (40) psi at one-hundred (100) degrees Fahrenheit as determined by ASTM D-323. (7-1-97)

**h.** Container is any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a chemical or material. For the purposes of this section, pipes or piping systems, and engines, fuel tanks, or other operating systems in a vehicle, are not considered to be containers. (7-1-97)

**i.** Explosive is a chemical reaction that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature. (7-1-97)

**j.** Exposure or Exposed is when an employee is subjected in the course of employment to a chemical or material that is a physical or health hazard. (7-1-97)

**k.** Flammable is a chemical that falls into one of the following categories: (7-1-97)

**i.** Flammable Aerosol is an aerosol that yields a flame projection exceeding eighteen (18) inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening; (7-1-97)

**ii.** Flammable Gas is a gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of thirteen (13) percent by volume or less, or a gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than twelve (12) percent by volume, regardless of the lower limit; (7-1-97)

**iii.** Flammable Liquid is any liquid having a flashpoint below one-hundred (100) degrees Fahrenheit, except any mixture having compounds with flashpoints of one-hundred (100) degrees Fahrenheit or higher, the total of which make up ninety-nine (99) percent or more of the total volume of the mixture; (7-1-97)

**iv.** Flammable solid is a solid, other than a blasting agent or explosive, that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. (7-1-97)

**l.** Flashpoint is the minimum temperature at which a liquid gives off vapor in sufficient concentration to ignite. (7-1-97)

**m.** Foreseeable Emergency is any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical or material into the workplace. (7-1-97)

**n.** Hazardous Chemical is any chemical which is a physical hazard or a health hazard. (7-1-97)

**o.** Hazard Warning is any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which conveys the specific physical and health hazards, including target organ effects, of the chemical or material in the container. (7-1-97)

**p.** Health Hazard is any chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term health hazard includes chemicals which are carcinogens, toxic or highly toxic, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxin, nephrotoxins, neurotoxin, agents which act on the hematopoietic system, and agents which may damage the lungs, skin, eyes, or mucous membranes. (7-1-97)

**q.** Identity is any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical or material. The identity used shall permit cross references to one (1) made among the required list of hazardous chemicals, the label, and the MSDS. (7-1-97)

**r.** Immediate Use means that the chemical or material will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred. (7-1-97)

**s.** Label is any written, printed, or graphic material displayed on or affixed to containers of chemicals or materials. (7-1-97)

**t.** Material Safety Data Sheet (MSDS) is written or printed material, concerning hazardous chemicals or materials, which has been prepared in accordance with 29CFR1910.1200. (7-1-97)

**u.** Mixture is any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction. (7-1-97)

**v.** Organic Peroxide is an organic compound that contains the bivalent -O-O structure and which may be considered to be a structural derivative of hydrogen peroxide where one (1) or both of the hydrogen atoms has been replaced by an organic radical. (7-1-97)

**w.** Oxidizer is a chemical other than blasting agents or explosives that initiates or promotes combustion in other materials, thereby causing fire either of itself or through release of oxygen or other gases. (7-1-97)

**x.** Physical Hazard is any chemical or material for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water reactive. (7-1-97)

**y.** Produce is to manufacture, process, formulate, blend, extract, generate, emit, or repackage. (7-1-97)

**z.** Pyrophoric is a chemical or material that will ignite spontaneously in air at a temperature of one-hundred-thirty (130) degrees Fahrenheit or below. (7-1-97)

**aa.** Responsible Party is someone who can provide additional information on a hazardous chemical or material and appropriate emergency procedures, if necessary. (7-1-97)

**bb.** Specific Chemical Identity is the chemical name, Chemical Abstracts service (CAS) Registry Number, or any other information that reveals the precise chemical designation of the substance. (7-1-97)

**cc.** Subjected in terms of health hazards, includes any route of entry (e.g. inhalation, ingestion, skin contact, or absorption). (7-1-97)

**dd.** Trade Secret is any confidential formula, pattern, process, device, information, or combination of information that is used in business that gives the business an opportunity to obtain an advantage over competitors who do not know or use it. (7-1-97)

**ee.** Unstable (reactive) is a chemical or material which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self reactive under conditions of shock, pressure, or temperature. (7-1-97)

**ff.** Use is to package, handle, react, emit, extract, generate as a by-product, or transfer. (7-1-97)

**gg.** Water Reactive is a chemical or material that reacts with water to release a gas that is either flammable or presents a health hazard. (7-1-97)

### **03. General Requirements:** (7-1-97)

**a.** All employers shall provide information to their employees about hazardous chemicals and materials to which they are exposed, by means of a hazard communication program, labels and other forms of warning, material safety data sheets, and information and training. (7-1-97)

**b.** Employers that do not produce hazardous chemicals and materials need only focus on those parts of this section that deal with establishing a workplace program and communicating information to their workers. (7-1-97)

**c.** This section applies to any chemical or material which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions or in a foreseeable emergency. (7-1-97)

#### **04. Written Hazard Communication Program:** (7-1-97)

**a.** Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria in this section pertaining to labels, and other forms of warning, material safety data sheets, and employee information and training will be met. (7-1-97)

**b.** A list of the hazardous chemicals and materials known to be present using an identity that is referenced on the appropriate material safety data sheet shall be a part of the written hazard communication program. (7-1-97)

**c.** The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels, products of experiments, etc.), and the hazards associated in unlabeled pipes in their work areas shall be included in the written hazard communication program. (7-1-97)

**d.** Employers who produce, use or store hazardous chemicals or materials at a workplace in such a way that the employees of an other employer may be exposed (for example, employees of a construction contractor working on site) shall additionally ensure that the hazard communication programs developed under this subsection shall include: the methods the employer will use to provide the other employer(s) on site access to material safety data sheets for each hazardous chemical or material the other employer's employees may be exposed to while at the workplace; the methods the employer will use to inform the other employer(s) of any precautionary measures that need to be taken to protect employees during the workplace's normal operating conditions and in foreseeable emergencies; and the methods the employer will use to inform the other employer(s) of the labeling system used in the workplace. (7-1-97)

**e.** The employer shall make the written hazard communication program available, upon request, to employees, their designated representatives, and representatives of the Department. (7-1-97)

**f.** Where employees work at temporary work sites, the written hazard communication program need only be kept at primary workplaces. (7-1-97)

#### **05. Labels and Other Forms of Warning:** (7-1-97)

**a.** The employer shall ensure that all containers of chemicals and materials entering, used on, or leaving the employer's workplace is labeled, tagged, or marked with the following information:

the identity of the hazardous chemical or material; appropriate hazard warnings; and the name and address of the chemical manufacture, importer, or other responsible party. (7-1-97)

**b.** For solid metal (such as a steel beam or metal casting), solid wood, or plastic items that are not exempted as articles due to their downstream use, or shipments of whole grain, the required label may be transmitted to the customer at the time of the initial shipment, and need not be included with subsequent shipments unless the information on the label changes. The label may be transmitted with the initial shipment itself, or with the material safety data sheet that is to be provided prior to or at the time of the first shipment. This exception to requiring labels on every container of chemicals or materials is only for the solid material itself, and does not apply to hazardous chemicals or materials used in conjunction with, or known to be present with, the material and to which employees handling the items in transit may be exposed (for example cutting fluids or pesticides in grains). (7-1-97)

**c.** The employer may use signs, placards, process sheets, batch tickets, or other such written materials in lieu of affixing labels to individual stationary process containers as long as the alternative method identifies the containers to which it is applicable and conveys the information required by this subsection to be on the label. The written materials shall be readily accessible to the employees in their work area throughout each work shift. (7-1-97)

**d.** The employer is not required to label portable containers into which chemicals or materials are transferred from labeled containers, and which are intended only for the immediate use of the person who performs the transfer. For purposes of this section, drugs which are dispensed by a pharmacy to a health care provider direct administration to a patient are exempted from labeling. (7-1-97)

**e.** The employer shall ensure that labels on containers are not removed or defaced. Containers whose labels are missing or defaced shall be immediately remarked with the required information. (7-1-97)

## **06. Material Safety Data Sheets (MSDS):** (7-1-97)

**a.** Employers shall have a material safety data sheet in the workplace for each hazardous chemical or material which they use or have on hand. (7-1-97)

**b.** Each material safety data sheet shall be in English (it is recommended that the employer maintain copies in other languages as well). (7-1-97)

**c.** Each material safety data sheet shall contain the following information: (7-1-97)

**i.** The identity used on the label (except as provided for trade secrets). (7-1-97)

**ii.** The chemical and common name for a single hazardous chemical. The chemical common names of the ingredients which contribute to those known hazards, and the common name(s) of the mixture itself. If the hazardous chemical/material is a mixture which has not been tested as a whole then the chemical and common name(s) of all ingredients which have been determined to

be health hazards, and which comprise one (1) percent or greater of the composition, except that chemicals identified as carcinogens shall be listed if the concentrations are zero-point-one (0.1) percent or greater, or if they comprise less than one (1) percent (zero-point-one (0.1) percent for carcinogens) and there is evidence that the ingredient(s) could be released from the mixture in concentrations which would exceed an established permissible exposure limit or threshold limit value, or could present a health risk to employees; and the chemical and common name(s) of all ingredients which have been determined to present a physical hazard when present in the mixture; (7-1-97)

**iii.** Physical and chemical characteristics of the hazardous chemical or material (such as vapor pressure, flash point); (7-1-97)

**iv.** The physical hazards of the hazardous chemical or material, including the potential for fire, explosion, and reactivity; (7-1-97)

**v.** The health hazards of the hazardous chemical or material, including signs and symptoms of exposure, and any medical conditions which are generally recognized as being aggravated by exposure to the chemical or material; (7-1-97)

**vi.** The primary route(s) of entry; (7-1-97)

**vii.** The permissible exposure limit, threshold limit value, and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the material safety data sheet, where available; (7-1-97)

**viii.** Whether the hazardous chemical is listed in the National Toxicology Program (NTP) as a carcinogen or has been found to be a potential carcinogen the International Agency for Research on Cancer (IARC) monographs, or by OSHA; (7-1-97)

**ix.** Any generally applicable precautions for safe handling and use which are known to the chemical manufacturer, importer, or employer preparing the material safety data sheet, including appropriate hygienic practices, protective measures during repair and maintenance of contaminated equipment, and procedures for clean-up of spills and leaks; (7-1-97)

**x.** Any generally applicable control measures which are known to the chemical manufacturer, importer, or employer preparing the material safety data sheet, such as appropriate engineering controls, work practices, or personal protective equipment; (7-1-97)

**xi.** Emergency and first aid procedures; (7-1-97)

**xii.** The date of preparation of the material safety data sheet or the last change to it; (7-1-97)

**xiii.** The name, address, and telephone number of the chemical manufacturer, importer, employer, or other responsible party preparing or distributing the material safety data sheet, who can provide additional information on the hazardous chemical or material and appropriate emergency procedures, if necessary; (7-1-97)

- d.** If no relevant information is found for any given category on the material safety data sheet, the chemical manufacturer, importer, or employer preparing the material safety data sheet shall mark it to indicate that no applicable information was found. (7-1-97)
- e.** Where complex mixtures have similar hazards and contents (i.e. the chemical ingredients are essentially the same, but specific composition varies from mixture to mixture), the chemical manufacturer, importer, or employer may prepare one material safety data sheet to apply to all of these similar mixtures. (7-1-97)
- f.** The chemical manufacturer, importer, or employer preparing the material safety data sheet shall ensure that the information recorded accurately reflects the scientific evidence used in making the hazard determination. If the chemical manufacturer, importer, or employer preparing the material safety data sheet becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information shall be added to the material safety data sheet within three (3) months. If the chemical is not currently being produced or imported the chemical manufacturer or importer shall add the new information to the material safety data sheet before the chemical or material is introduced into the workplace again. (7-1-97)
- g.** Chemical manufacturers, importers, and distributors shall ensure that and employers are provided an appropriate material safety data sheet with their initial shipment, and with the first shipment after a material safety data sheet is updated. (7-1-97)
- h.** The chemical manufacturer, importer, or distributor shall either provide material safety data sheets with the shipped containers or send them to the distributor employer prior to or at the time of the shipment. (7-1-97)
- i.** If the material safety data sheet is not provided with a shipment that has been labeled as a hazardous chemical, the chemicals or materials shall not be used until the employer has obtained a material safety data sheet from the distributor or manufacturer. (7-1-97)
- j.** The chemical manufacturer, importer, or distributor shall provide employers with a material safety data sheet upon request. (7-1-97)
- k.** Retail distributors selling hazardous chemicals or materials to employers shall provide a material safety data sheet to such employers upon request, and shall post a sign or otherwise inform them that a material safety data sheet is available. (7-1-97)
- l.** Wholesale distributors selling hazardous chemicals or materials to employers over-the-counter may also provide material safety data sheets upon the request of the employer at the time of the over-the-counter purchase, and shall post a sign or otherwise inform such employers that a material safety data sheet is available. (7-1-97)
- m.** If an employer without a commercial account purchases a hazardous chemical or material from a retail distributor not required to have material safety data sheets on file (i.e. the retail distributor does not have commercial accounts and does not use the materials, the retail

distributor shall provide the employer, upon request, with the name, address, and telephone number of the chemical manufacturer, importer, or distributor from which a material safety data sheet can be obtained. (7-1-97)

**n.** Wholesale distributors shall also provided material safety data sheets to employers or other distributors upon request. (7-1-97)

**o.** The employer shall maintain in the workplace copies of the required material safety data sheets for each hazardous chemical or material, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s). Electronic access, microfiche, and other alternatives to maintaining paper copies of the material safety data sheets are permitted as long as no barriers to immediate employee access in each work place are created by such options. (7-1-97)

**p.** Where employees work at temporary worksites, the material safety data sheets need only be kept at primary workplaces. In this situation, the employer shall ensure that employees can immediately obtain the required information in an emergency. (7-1-97)

**q.** Material safety data sheets may be kept in any form, including operating instructions or procedures, and may be designed to cover groups of hazardous chemicals or materials in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the required information is provided for each hazardous chemical or material, and is readily accessible during each work shift to employees when they are in their work area(s). (7-1-97)

**r.** Material safety data sheets shall also be made available to designated employee representatives and representatives of the Department, upon request. (7-1-97)

## **07. Employee Information and Training:** (7-1-97)

**a.** Employers shall provide employees with effective information and training on hazardous chemicals and materials in their work area at the time of their initial assignment, and whenever a new physical or health hazard the employees have not previously been trained about is introduced into their work area. Information and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals. Chemical specific information must always be available through labels and material safety data sheets. (7-1-97)

**b.** Employees shall be informed of the requirements of this section; any operations in their work are where hazardous chemicals or materials are present; and the location and availability of the written hazard communication program, including the required lists of hazardous chemicals and materials, and material safety data sheets required by this section. (7-1-97)

**c.** Employee training shall include at least methods and observations that may be used to detect the presence or release of a hazardous chemical or material in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals or materials when being released, etc.); the physical and health hazards of

the chemicals or materials in the work area; the measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals or materials, such as appropriate work practices, emergency procedures, and personal protective equipment to be used; and the details of the hazard communication program developed by the employer, including an explanation of the labeling system and the material safety data sheet, and how employees can obtain and use the appropriate hazard information. (7-1-97)

#### **08. Laboratories:** (7-1-97)

**a.** Employers shall ensure that labels on incoming containers of chemicals and materials are not removed or defaced. (7-1-97)

**b.** Employers shall maintain material safety data sheets for all chemicals and materials received and on hand. (7-1-97)

**c.** Employers shall ensure that material safety data sheets are readily accessible during each work shift to all employees when they are in their work areas. (7-1-97)

**d.** Employers shall ensure that all employees that work in laboratories are provided information and training in accordance with the provisions of sub-section 301.07 of this section. (7-1-97)

**e.** Laboratories that ship chemicals and materials shall be considered to be either a manufacturer or a distributor under this section, and thus must ensure that any containers leaving the laboratory are labeled in accordance with sub-section 301.05 of this section, and that a material safety data sheet is provided in accordance with sub-section 301.06 of this section. (7-1-97)

**f.** Compounds, mixtures, and materials developed or produced in the laboratory for use within the laboratory, such as the products of experimentation, need not have a material safety data sheet developed, however internal procedures shall be developed to ensure employees that could come in contact with these materials are adequately informed and protected. (7-1-97)

#### **09. Cargo Handling, Warehousing, and Retail Sales:** (7-1-97)

**a.** Employers shall ensure that labels on incoming containers of chemicals and materials are not removed or defaced. (7-1-97)

**b.** Employers shall maintain copies of material safety data sheets for incoming shipments of hazardous chemicals and materials, shall obtain a material safety data sheet as soon as possible for sealed containers of hazardous chemicals and materials received without a material safety data sheet, and shall ensure that the material safety sheets are available during each work shift to employees when they are in their work areas. (7-1-97)

**c.** Employers shall ensure that employees are provided with information and training in accordance with sub-section 301.07 of this section to the extent necessary to protect them in the event of a spill or leak of a hazardous chemical or material from a sealed container. (7-1-97)

## **10. Exempted Chemicals and Materials:** (7-1-97)

*This section does not require labeling of the following chemicals:* (5-9-11)

**a.** Any pesticide as the term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act, when properly labeled in accordance with that act and the regulations of the Environmental Protection Agency. (7-1-97)

**b.** Any chemical substance or mixture as such terms are defined in the Toxic Substances Control Act, when properly labeled in accordance with that act and the regulations of the Environmental Protection Agency. (7-1-97)

**c.** Any food, food additive, color additive, drug, cosmetic, or medical or veterinary device or product, including materials intended for use as ingredients in such products as such terms are defined in the Federal Food, Drug, and Cosmetic Act or the Virus-Serum-Toxin Act, when properly labeled in accordance with those acts and the regulations of the Food and Drug Administration or the Department of Agriculture. (7-1-97)

**d.** Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act, when properly labeled in accordance with that act and the regulations of the Bureau of Alcohol, Tobacco, and Firearms. (7-1-97)

**e.** Any consumer product or hazardous substance as those terms are defined in the Consumer Product Safety Act and the Federal Hazardous Substances Act, when properly labeled in accordance with those acts and the regulations of the Consumer Product Safety Commission. (7-1-97)

**f.** Agricultural or vegetable seed treated with pesticides and labeled in accordance with the Federal Seed Act and the regulations of the Department of Agriculture. (7-1-97)

*This section does not apply to:* (5-9-11)

**g.** Any hazardous waste as such term is defined by the Solid Waste Act, as amended by the Resource Conservation and Recovery Act (RCRA) and the regulations of the Environmental Protection Agency. (7-1-97)

**h.** Any hazardous substance as such term is defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA and the regulations of the Environmental Protection Agency. (7-1-97)

**i.** Tobacco or tobacco products. (7-1-97)

**j.** Wood or wood products, including lumber which will not be processed, where it can be established that the only hazard posed to employees is the potential for flammability or

combustibility. Wood or wood products which have been treated with a hazardous chemical and wood which may be subsequently sawed or cut, generating dust, are not exempted. (7-1-97)

**k.** Articles as defined in sub-section 301.02 of this section. (7-1-97)

**l.** Over the counter drugs and first aid supplies. (7-1-97)

**m.** Nuisance particulates where it can be established that they do not pose any physical or health hazard. (7-1-97)

**n.** Ionizing and non-ionizing radiation. (7-1-97)

**o.** Biological hazards. (7-1-97)

## **11. Trade Secrets:** (7-1-97)

**a.** The chemical manufacturer, importer, or employer may withhold the specific chemical name or other specific identification of a hazardous chemical or material, from the material safety data sheet, provided that: the claim that the information withheld is a trade secret can be supported; information contained in the material safety data sheet concerning the properties and effects of the hazardous chemical or material is disclosed; the material safety data sheet indicates that the specific chemical identity is being withheld as a trade secret; and the specific chemical identity is made available to health professionals, employees, designated representatives in accordance with the provisions of this section and 29CFR1910.1200. (7-1-97)

**b.** Where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity of a hazardous chemical is necessary for emergency or first aid treatment, the chemical manufacturer, importer, or employer shall immediately disclose the specific chemical identity of a trade secret chemical to that treating physician or nurse, regardless of a written statement of need or a confidentiality agreement. The chemical manufacturer, importer, or employer may require a written statement of need and confidentiality agreement as soon as circumstances permit. (7-1-97)

**c.** In non-emergency situations, a chemical manufacturer, importer, or employer shall upon request, disclose a specific chemical identity, otherwise permitted to be withheld if the request complies with the provisions of 29CFR1910.1200. (7-1-97)

**302.--309. (RESERVED)**