

A DEALER GUIDE TO THE

# Updated OSHA HazCom Standard



The National Automobile Dealers Association (NADA) has prepared this management guide to assist its dealer members with compliance with federal regulatory requirements. The presentation of this information is not intended to encourage concerted action among competitors or any other action on the part of dealers that would in any manner fix or stabilize the price or any element of the price of any good or service.

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cover: Globally Harmonized System of Classification and Labeling of Chemicals (GHS) hazard pictograms.

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# Updated OSHA HazCom Standard

## PREFACE

Motor vehicle dealerships are subject to Occupational Safety and Health Administration (OSHA) rules that require employers to provide chemical hazard information to employees potentially exposed to workplace chemical hazards (e.g., service, body and parts personnel). Originally published in 1983 to cover manufacturers, the Hazard Communication (HazCom) Standard was expanded in 1988 to non-manufacturing industries, including dealerships, and in 2012 it was revised to align with the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals.

The standard helps to protect employees against chemical-related injuries or illnesses by requiring that they be educated about potential chemical hazards. It specifically requires dealerships to:

- ▶ Inventory their hazardous chemicals.
- ▶ Implement written HazCom programs.
- ▶ Obtain, file, and maintain accessibility to Safety Data Sheets (SDSs) for each hazardous chemical present in the workplace.
- ▶ Train potentially exposed employees on the safe handling of hazardous chemicals.

This guide provides a background on the rule, discusses how it applies, lists procedures for compliance, and suggests resources for HazCom programs and other compliance assistance.



## I. PURPOSE OF THE HAZCOM STANDARD

The HazCom standard aims to ensure that the hazards of all chemicals produced or imported are classified, and that information on classified hazards is transmitted to employers and employees. Consequently, chemical producers and distributors must assess potential chemical hazards, transmit hazard information to employers and employees, and recommend appropriate protective measures. Downstream employers, such as dealerships, must develop and maintain written HazCom programs with a list of hazardous chemicals in the workplace, must maintain an SDS for each hazardous chemical, and must train employees on potential chemical hazards and appropriate protective measures.

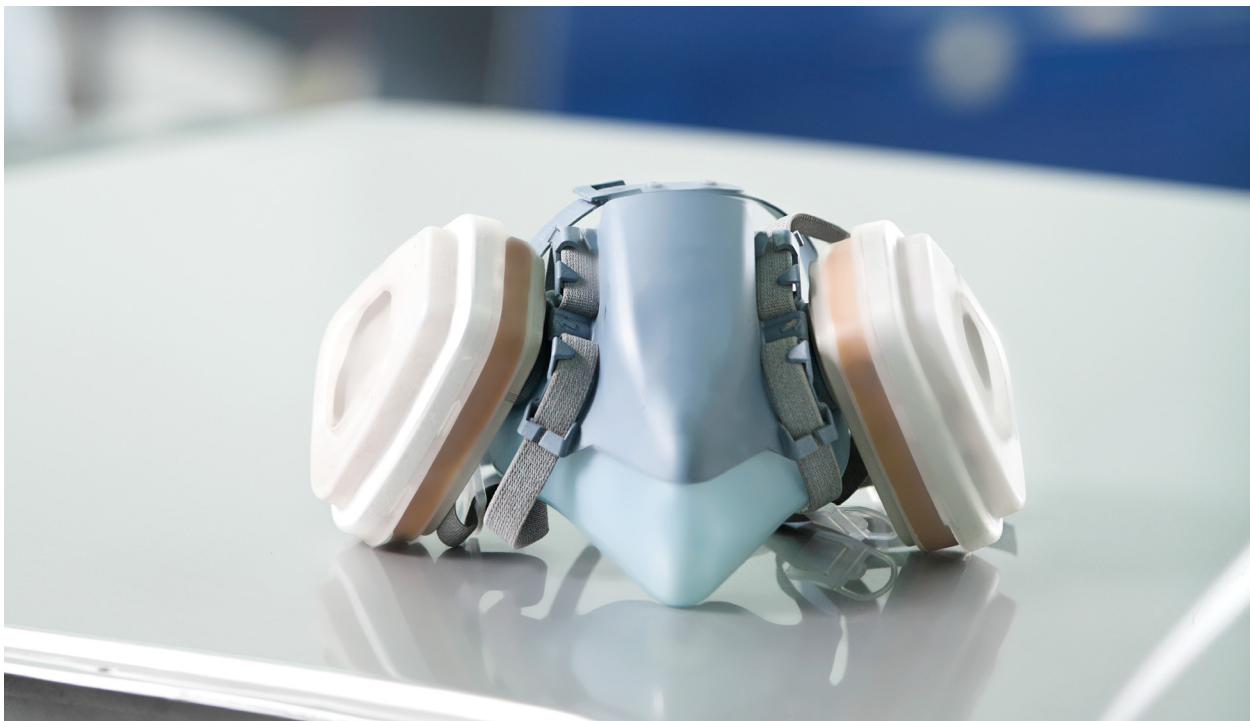
Dealerships operating in OSHA-approved State Plan states must comply with state HazCom requirements, which may differ from the federal. Any other state laws in this area are preempted.

## II. SCOPE AND APPLICATION

The HazCom standard covers dealership employees who may be exposed to chemical hazards. In the majority of dealerships, coverage essentially extends to service, body, parts and detail employees. Office workers, salespersons, and other employees who only encounter hazardous chemicals in isolated, non-routine instances are not covered by the HazCom rule.

Parts department employees are covered primarily because they handle hazardous chemicals in sealed containers under normal operating conditions or in foreseeable emergencies. With respect to such employees, dealers need only:

- ▶ Ensure that hazardous chemical container labels are not removed or defaced.
- ▶ Maintain SDSs in a manner accessible to employees. If an SDS is missing, it should be requested from the manufacturer or distributor within 24 hours following the request of a parts department employee.
- ▶ Provide information and training necessary to protect parts employees in the event of a spill or leak of hazardous chemicals from sealed containers.





### III. EXEMPTIONS

Chemicals exempt from the HazCom standard *labeling* requirements include:

- ▶ Pesticides.
- ▶ Foods, food additives, drugs, and cosmetics.
- ▶ Distilled spirits.
- ▶ Consumer products already labeled.

The HazCom standard fully exempts:

- ▶ Hazardous wastes.
- ▶ Tobacco and tobacco products.
- ▶ Articles (see definition below).
- ▶ Food or alcoholic beverages, drugs, and cosmetics intended for personal employee consumption at the workplace.
- ▶ Consumer products or hazardous substances used in the workplace for a purpose intended by the manufacturer or importer with a duration and frequency of exposure that is not greater than the range of exposures that could reasonably be experienced by consumers.

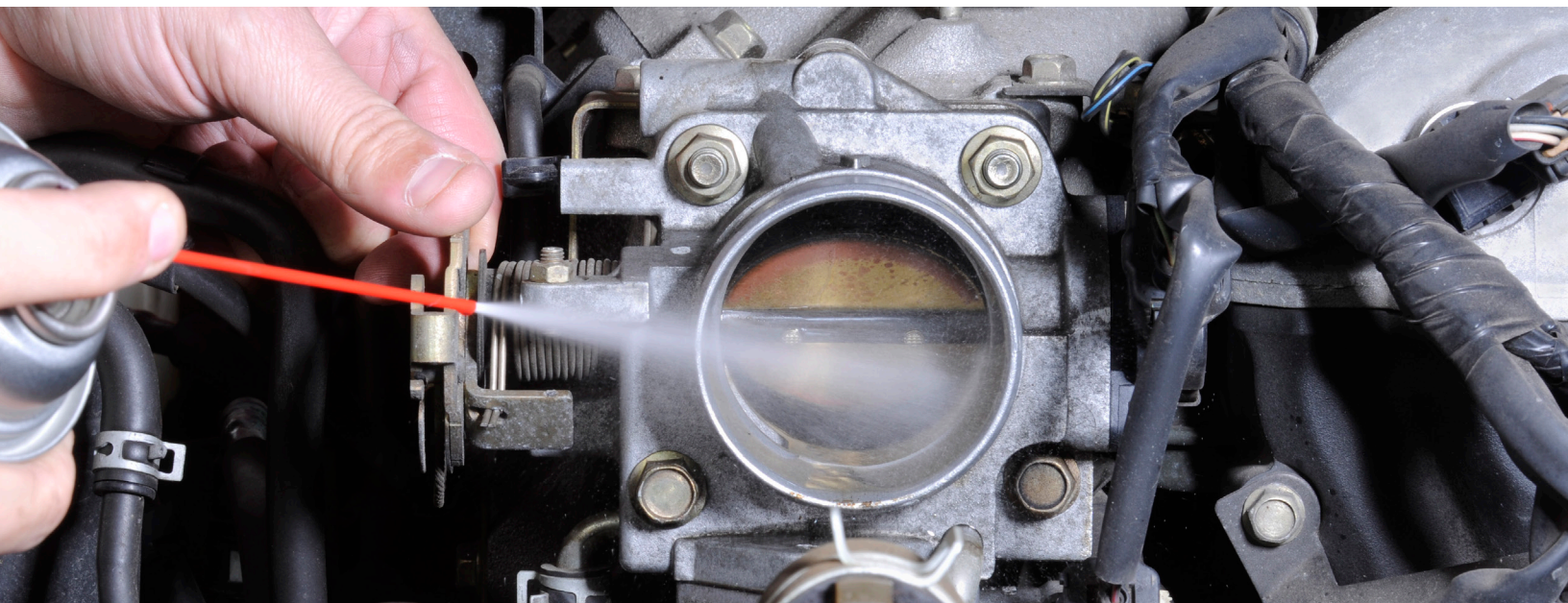
The consumer product exemption applies to a variety of cleaners and other low-volume materials used in dealerships (e.g., abrasive cleaners or fabric protectants used by employees upon occasion and for limited duration). A similar chemical product applied all day long by a new-vehicle prep or detail employee would not be exempt. Office products like screen cleaner are exempt.

### IV. KEY DEFINITIONS

The HazCom standard includes several definitions important to understanding compliance responsibilities (a full list of regulatory definitions is found at [29CFR 1910.1200\(c\)](#) in the HazCom rule). Key definitions include:

*Article: a manufactured item other than a fluid or particle: (i) which is formed to a specific shape or design during manufacture; (ii) which has end use function(s) dependent in whole or in part upon its shape or design during end use; and (iii) which under normal conditions of use does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical... and does not pose a physical hazard or health risk to employees.* This definition suggests that the standard is not meant to cover very small releases of chemicals. It does cover manufactured items that do not present chemical hazards when used, but that may when under repair or being worked on (e.g., vehicle parts worked on in a machine shop that do not present a chemical hazard when used in a vehicle).

*Container: any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For 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.*



*Distributor: a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to employers. Dealership parts departments that sell chemicals at wholesale appear to be distributors.*

*Employee: a worker who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies. Workers such as office workers or bank tellers who encounter hazardous chemicals only in non-routine, isolated instances are not covered. This definition suggests that the HazCom standard does not apply to salespersons and office personnel since they are only exposed to hazardous chemicals in non-routine, isolated instances. Service writers, cashiers, and lot attendants also may be exempt unless they regularly frequent service or body shops.*

*Employer: a person engaged in a business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor.*

## V. HAZARD DETERMINATION AND WRITTEN HAZCOM PROGRAM

The HazCom standard requires chemical manufacturers, importers and formulators to evaluate the hazard potential of their chemicals. Dealership HazCom responsibilities are triggered by the on-site presence of non-exempt chemicals with hazard warning labels. Dealerships need not evaluate the hazard potential of the chemicals they use, but instead may rely on product labels and SDSs.

Dealerships must develop written HazCom programs and make them accessible to covered employees. Those with more than one geographic location (e.g., a body shop across town from the main dealership) must keep a copy of the written program at each location. Chemical hazard inventories must be conducted at each location and a written list of inventoried chemicals should be kept with the written HazCom program. Each dealership's list will vary. Properly dispose of any chemicals determined to be unnecessary to a dealership's operations, including those brought in by employees without authorization.







Written HazCom programs must detail:

- ▶ Proper chemical labeling and other forms of warning,
- ▶ SDSs and their location, and
- ▶ Employee information and training.

Dealerships need not develop written hazard communication programs from scratch as model written programs can be obtained from state labor departments, or from private consultants. State or local dealer associations also may make model HazCom programs available directly or through private vendors or consultants. OSHA's [HazCom compliance information](#) includes a model written program, webinars and a *Six Steps* checklist (see next page). Lastly, private vendors and consultants may have compliance kits designed specifically for use by vehicle service facilities.

## VI. LABELS AND OTHER FORMS OF WARNING

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Chemical labeling is the responsibility of chemical manufacturers, importers, and distributors. HazCom labels typically contain product identifiers, signal words, hazard statements, pictograms, precautionary statements, and the name, address, and telephone number of the chemical manufacturer, importer, or distributor.

Dealerships should attempt to see that chemical products found on-site stay labeled. Stationary containers (e.g., above-ground storage tanks, parts cleaners, etc.) also should be labeled. Bulk chemical suppliers typically provide bulk container labels. Portable containers into which hazardous chemicals are transferred from labeled bulk containers need not be labeled if the transferred chemical is intended for immediate use by the employee who performs the transfer. Otherwise, portable containers should be labeled to protect unsuspecting employees.



# Six Steps to an Effective Hazard Communication Program

## STEP 1 LEARN THE STANDARD/IDENTIFY RESPONSIBLE STAFF

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- ✔ Obtain a copy of OSHA's Hazard Communication Standard.
- ✔ Become familiar with its provisions.
- ✔ Make sure that someone has primary responsibility for coordinating implementation.
- ✔ Identify staff for particular activities (e.g., training).

## STEP 2 PREPARE AND IMPLEMENT A WRITTEN HAZARD COMMUNICATION PROGRAM

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- ✔ Prepare a written plan to indicate how hazard communication will be addressed in your facility.
- ✔ Prepare a list or inventory of all hazardous chemicals in the workplace.

## STEP 3 ENSURE CONTAINERS ARE LABELED

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- ✔ Keep labels on shipped containers.
- ✔ Label workplace containers where required.

## STEP 4 MAINTAIN SAFETY DATA SHEETS

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- ✔ Maintain safety data sheets for each hazardous chemical in the workplace.
- ✔ Ensure that safety data sheets are readily accessible to employees.

## STEP 5 INFORM AND TRAIN EMPLOYEES

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- ✔ Train employees on the hazardous chemicals in their work area before initial assignment, and when new hazards are introduced.
- ✔ Include the requirements of the standard, hazards of chemicals, appropriate protective measures, and where and how to obtain additional information.

## STEP 6 EVALUATE AND REASSESS YOUR PROGRAM

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- ✔ Review your hazard communication program periodically to make sure that it is still working and meeting its objectives.
- ✔ Revise your program as appropriate to address changed conditions in the workplace (e.g., new chemicals, new hazards, etc.).

Adapted from OSHA's *Hazard Communication: Small Entity Compliance Guide for Employers That Use Hazardous Chemicals*.

## VII. SAFETY DATA SHEETS

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Chemical manufacturers, importers, and distributors must provide downstream chemical users with SDSs. Dealership fixed operations managers typically take on the responsibility of conducting hazardous chemical inventories and of ensuring that SDSs are kept on file for each hazardous chemical at the dealership. SDSs are multi-page documents that provide the following information:

- ▶ Product identification.
- ▶ Hazard(s) identification.
- ▶ Composition/information on ingredients.
- ▶ First-aid measures.
- ▶ Fire-fighting measures.
- ▶ Accidental release measures.
- ▶ Handling and storage.
- ▶ Exposure controls/personal protection.
- ▶ Physical and chemical properties.
- ▶ Stability and reactivity.
- ▶ Toxicological information.
- ▶ Ecological information.
- ▶ Disposal considerations.
- ▶ Transport information.
- ▶ Regulatory information.
- ▶ Other information, including date of preparation or last revision.

Dealerships normally receive SDSs from suppliers for the hazardous chemicals brought on-site. SDSs may accompany the chemical products they describe or may be provided separately, but they typically are provided only once, unless there is a subsequent update. SDSs should be collected for each workplace location and be kept accessible to employees, electronically or otherwise. If an SDS is found to be missing for any labeled non-exempt chemical, a documented effort should be made to obtain it from the appropriate chemical manufacturer, importer, or distributor.

Upon request, parts department personnel should provide SDSs to commercial account customers purchasing hazardous chemicals. A sign in the parts department should indicate their availability.

## VIII. EMPLOYEE INFORMATION AND TRAINING

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### *What training must be provided to employees?*

Dealerships must provide information and training to employees potentially exposed to chemical hazards. Effective employee information and training is the backbone of a successful dealership HazCom program. Employees typically act to protect their health and well-being once they understand how to handle workplace chemicals properly. By working together, dealerships and employees can guard against preventable chemical-related illnesses and injuries.

Employee information and training must cover the requirements of the standard, all dealership operations involving hazardous chemicals, and the location of the written HazCom program. Training on HazCom labels must cover how employees might use labels in the workplace and the kind of information employees should expect to see on the labels. Employee training also must include:

- ▶ Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area.
- ▶ Physical, health, asphyxiation, and pyrophoric gas hazard classes (and hazards not otherwise classified), if associated with chemicals in the work area. There is no need to review each chemical or chemical-containing product in the dealership, just the chemical hazard classes.
- ▶ Measures employees can take to protect themselves from hazards, including specific procedures the dealership has implemented to protect employees from hazardous chemical exposures (e.g., appropriate work practices, emergency procedures, personal protective equipment, etc.).
- ▶ A review of the dealership HazCom program, including container labeling.
- ▶ How employees can access, understand, and use SDSs.

### *How often and how should employee training be provided?*

HazCom training must be provided at least once for current employees, once for new employees, and if and when a new chemical hazard (not chemical) is introduced into the workplace. It is recommended that dealerships check to see if their state or local dealer association or OSHA office offers HazCom training. Alternatively, on-site or “train-the-trainer” HazCom training is often offered by vendors and consultants. Dealership HazCom training programs often include comprehensive written training materials and videos. “Train-the-trainer” programs are designed for service or body shop managers who in turn train covered employees. They are cost-effective and easy to use but demand significant management involvement. Programs utilizing well-designed videos allow dealers the luxury of training new employees with little additional cost.

### *Who must train contract or temporary workers?*

Under the HazCom standard, contractors and temp agency employers are expected to provide generic hazard training and information concerning categories of chemicals their employees may potentially encounter. Dealerships should supplement that training with information geared toward site-specific hazards. Note that OSHA considers dealership “hosts” jointly responsible for maintaining a healthy and safe workplace for contract and temporary workers.

## IX. ENFORCEMENT AND COMPLIANCE ASSISTANCE

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OSHA has the authority to order compliance with the HazCom standard and to assess civil or criminal penalties for a failure to comply. A dealership's good faith efforts at compliance should help to avoid OSHA or state enforcement actions and reduce the likelihood of worker compensation claims or court actions related to chemical-related injuries or illnesses. State OSHA consultation programs offer small business dealerships the ability to assess their compliance with OSHA's standards, including HazCom. On-site consultation services are free and "walled-off" from OSHA's enforcement arm. Further information is available from the [OSHA On-Site Consultation Program Office](#). Questions on HazCom also may be directed to NADA Regulatory Affairs at [regulatoryaffairs@nada.org](mailto:regulatoryaffairs@nada.org) or 703.821.7040.





## **ACKNOWLEDGMENTS**

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