



Nebraska Petroleum Marketers & Convenience Store Association

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### PMAA Regulatory Report - October 30, 2013

**SUBJECT:** OSHA Workplace Hazard Communication Standard

**ISSUE:** Employee Training Required for New MSDS and Chemical Labels Under OSHA Hazard Communication Standard

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### 2014 PACE SHOW



February 28 & March 1, 2014  
Kansas City, MO

[www.paceshow.com](http://www.paceshow.com)

**2014 NPCA Member**  
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June 10, 2014  
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York, NE

**2014 NPCA**  
**CONVENTION**

September 11 & 12, 2014  
Omaha, NE

More information coming  
soon!

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**DATE:**

**October 30, 2013**

**EXECUTIVE SUMMARY** - OSHA is making changes to its hazard communication standard which requires employers to notify employees of the presence of hazardous chemicals in the workplace. Petroleum marketers have been required to comply with the OSHA hazard communication standard since it was first introduced in 1983. The changes are being made to align OSHA's requirements to international standards for chemical container labeling and material safety data sheets (MSDS). Employers must train applicable employees on the label and MSDS changes by December 1, 2013.

**MARKETERS MUST TRAIN EMPLOYEES ON OSHA  
HAZCOM STANDARD CHANGES BY DECEMBER 1, 2013**

**1. Changes to OSHA's Hazard Communication  
Requirements**

The Occupational Safety and Health Administration's (OSHA) issued a final rule making changes to the agency's existing Hazard Communication Standard (HAZCOM). The HAZCOM standard has been in effect since 1983 and requires chemical manufacturers to label hazardous chemicals, prepare Material Safety Data Sheets (MSDS) describing potential chemical hazards and provide safe handling instructions for downstream employers. Under the existing HAZCOM program, employers must inform employees of the presence of hazardous chemicals in the workplace by ensuring containers are properly labeled, providing access to material safety data sheets and conducting hazardous chemical training.

The final rule primarily concerns format changes to hazardous chemical container labels and material safety data sheets. The final rule will align the HAZCOM standard to international standards by changing the format for hazard chemical container labels and material safety data sheets (MSDS). Under the new rule, the "Material Safety Data Sheet" designation will be changed to "Safety Data Sheet" (SDS). The new SDS format will contain 16 numbered sections in numerical order containing chemical information including first aid measures. Chemical container labels will include international pictograms and a new format. The new hazardous chemical container label and SDS formats must be in place no later than December 1, 2015. However, since many chemical manufacturers are transitioning to the new formats now or plan to do so ahead of the compliance deadline, OSHA is requiring employers who have hazardous chemicals in the workplace to train employees on the new label and SDS formats by December 1, 2013.

**2. Impact on Petroleum Marketers**

Since the HAZCOM standard has been in effect since 1983, petroleum marketers are generally aware of which workplaces within their overall business operation must comply with HAZCOM and the type of employee who requires training under the standard. Factors that determine HAZCOM compliance include; the presence of a hazardous chemical in the workplace, the location of the chemical in a specific work area and the employees who may be exposed to the chemical in the normal course of operation or in a potential emergency. State OSHA regulations also determine HAZCOM compliance as state regulations may be more stringent than federal requirements.

- **Employee Training** - Petroleum marketers who are subject to the HAZCOM standard will be required to train applicable employees on the new container label and SDS format by December 1, 2013. The HAZCOM rule applies to workplaces where employees may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies and subject them to health hazards through inhalation, ingestion, skin contact or absorption. Because there are many variables that determine individual workplace compliance with HAZCOM, it is not possible to identify a specific class of employee who must receive training on the label and SDS changes. However, some general assumptions can be made.

Employees in petroleum marketer operations that will likely require training in the new container label and SDS formats include employees at c-stores, lube oil warehouses, bottled propane facilities, automobile quick lubes, car wash operations, and vehicle repair and maintenance shops.

Administrative employees in the workplace where hazardous chemicals are present, such as a bulk plant or lube oil warehouse, but assigned to a separate work area without hazardous chemicals, are generally exempt from OSHA HAZCOM requirements. This is true even where the administrative employee must occasionally enter or pass through the work area where the hazardous chemicals are present in their normal course of business.

CDL drivers are only subject to OSHA HAZCOM compliance during loading and unloading operations located at the workplace. Once drivers leave the workplace for daily deliveries, U.S. DOT regulations apply. The hazardous material training drivers must receive training every two years under U.S. DOT regulations may satisfy OSHA HAZCOM requirements. Marketers should check with their HAZMAT training provider to determine if the course satisfies the new OSHA HAZCOM requirements. If so, these drivers will not require OSHA training.

- **Training Format-** According to OSHA employee training is quick and simple. Employees must be trained to access and comprehend product container labels and SDS. Training should take less than an hour according to OSHA. Marketers may develop their own training using free materials on the [OSHA website](#) or purchase ready-made training commercial materials for vendors.

[Click here](#) to see new SDS format:

[Click here](#) to see new container label format:

[Click here](#) to see new pictograms:

- **New SDS and Container Labels** - Petroleum marketers are not required to create a new SDS for products they distribute. Instead, marketers receive the new product SDS from upstream suppliers. Once a new SDS is received, marketers must keep it on file and remove the existing MSDS for the corresponding product. Marketers are also be required to provide a

copy of the new product SDS (when they are received from upstream suppliers) to all downstream customers who are employers. The SDS changes are not required until December 1, 2015 but are transitioning into the product distribution system now. Marketers with warehouse operations that repackage bulk lube oil must comply with the new HAZCOM label requirements for containers. Container labels are not required until December 1, 2015. New compliant container labels may be obtained from lube oil suppliers or product manufacturer.

### **3. State OSHA Programs**

Marketers should check with their state OSHA program regarding compliance with HAZCOM requirements. Compliance requirements may differ in states with their own OSHA plan. States may adopt more stringent regulations than federal requirements. The 27 states and U.S. territories with OSHA-approved occupational safety and health plans are: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. Connecticut, Illinois, New Jersey, New York and the Virgin Islands have OSHA approved state plans that apply to public-sector employees only (in these states the federal OSHA requirements apply to private employers).

### **4. Additional Information**

For additional information go to the federal OSHA site at:

<https://www.osha.gov/dsg/hazcom>

Or contact your state OSHA office at:

<https://www.osha.gov/dcsp/osp>

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