Has the June 1, 2015 Hazard Communication Standard Implementation Date for Updated SDS/Labels Been Extended?

By Jacqueline Bollas Caldwell, Esq.

No, the June 1, 2015, implementation/enforcement date has not been extended. However, OSHA recently issued an enforcement guidance document entitled, “Enforcement Guidance for the Hazard Communication Standard’s June 1, 2015 Effective Date,” (“Enforcement Guidance”) that provides relief in limited circumstances to manufacturers/importers/distributors of hazardous chemicals where “reasonable diligence” and “good faith efforts” have been used.

Certain trade associations asked OSHA to extend the SDS implementation date for those that prepare SDSs for hazardous chemicals involving a mixture of other hazardous chemicals, arguing that it was impossible to comply with the deadline when the SDS deadline for the component hazardous chemicals is also June 1, 2015. In response, OSHA issued the Enforcement Guidance that permits OSHA, “when necessary” to exercise enforcement discretion to allow a reasonable additional time to comply, on a showing of “reasonable diligence” and “good faith efforts” (as defined in the Enforcement Guidance).

What does this mean for downstream employers waiting for updated SDS/Labels? The Enforcement Guidance does not specifically address employers using the hazardous chemicals, but the questions and answers attached to the Enforcement Guidance that “can assist CSHOs” articulate that an employer that has not received an updated SDS or label would also not receive a citation. Nonetheless, it is in the best interest of all employers to take action now to demonstrate their reasonable diligence and good faith efforts to obtain the SDS/Labels. All employers should ensure that they have received updated SDS/Labels or to call/write and request them (and document their diligence and good faith in these efforts).

For more information please contact Jacqueline Bollas Caldwell of Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A. at: 330-244-2864 or jcaldwell@kwgd.com

NOTE: This general summary of the law should not be used to solve individual problems since slight changes in the fact situation may require a material variance in the applicable legal advice.

March 12, 2015

“Going to Work Without a Warmup is a Real Stretch”

Speaker: Gene Lehman, Better Life Flex-N-Stretch

Many companies are choosing to improve flexibility by using stretching stations in their wellness strategies to reduce injuries. Speaker Gene Lehman will share how these “exer–stretching” stations can be a cost-efficient way to reduce workers’ compensation claims and down time.

SPOTLIGHT COMPANY:

Next to oxygen, water is the most important nutrient your body requires. As more and more companies look for ways to keep their employees healthier, Pure Water Technology offers the Purest, Re-Oxygenated drinking water available. We offer a patented six stage Point of Use system that removes the hassles and ecological issues of bottles and plastics and that will deliver H2O without contaminants. Our self- sanitizing, stainless steel tank means you will never have to clean our units and insures that the water is always Gold Seal certified for purity.

Take advantage of our “Free Trial” and let your employees taste the difference. We know they’ll love it.

For more information or to set up your free trial please contact Jodi Taylor at (330)284-0483 or reach her at jtaylor@purewatertechnology.com

Thanks and Drink Up.
Question: What Eye Protection is really needed?

Each day, more than 2,000 American workers suffer an eye injury and nearly 1 million Americans have lost some of their eye sight due to an eye injury according to Prevent Blindness America. March is Workplace Eye Wellness Month and a good time to review your current eye protection selection for the workplace.

Answer: As an employer you are required to assess your workplace to determine if hazards are or could be present. If hazards are or could be present that necessitate the use of Personal Protective Equipment (PPE) you must select the appropriate PPE for your employees to use. Next you must certify your PPE hazard assessments “through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.” Lastly you must train your employees about what PPE is required, how to use the PPE and the proper care for the PPE.

Options for eye protection in the workplace

Safety Glasses:
Majority of eye protection seen in the workplace is safety glasses. Safety glasses help protect your eyes from objects that could bruise, pierce or damage the eyes and are tested to withstand high impacts. Safety lenses for safety glasses are tested to withstand impact from a 1/4” steel ball shot at 150 fps.

Safety Goggles:
While safety glasses protect from high impact, they will not protect workers from all types of eye injuries. This is because safety glasses do not provide 360 degree coverage around the eyes, but safety goggles will. Safety goggles are a better choice when protecting workers from chemical splashes and chemical vapors. There are many types of safety goggles available so make sure you select the appropriate type for the hazard your employees may encounter.

Face Shields:
Face shields alone do not provide enough protection according to OSHA, but they can be used in combination with safety glasses or safety goggles to provide additional protection from impact.

Welding Helmets:
Employees welding need to be protected from the intense radiant energy during the welding operations. Each operation will require a different level of protection. For additional information see: https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9778

Also pay special attention to lasers used within your facility. If your employees are exposed to laser beams you will need to ensure the eye protection you are offering is designed to protect against the lasers being operated within your facility.
CEO / Senior Management Breakfast  
Edward J. Roth III  
President and CEO  
Aultman Health Foundation  
“Leading Our Community to Improved Health”

Wednesday, March 25th  
7:30 a.m. - 9:30 a.m.  
Skyland Pines Banquet Center  
Sponsored by Stark County Safety Council, Stark County Human Resource Association & Eastern Stark County Safety Council

Reminder: If your company produces, uses, or stores hazardous materials in excess of the Reportable Quantity, you are required to submit a Tier II report to the Stark County LEPC, EPA (SERC), and local Fire Department by March 1 and to pay the appropriate fee to the State of Ohio by March 31. If you have any questions regarding this matter, do not hesitate to contact the LEPC at: 330-451-3907 or at sclepc@starkcountyohio.gov

Coming Next Month
April 9, 2015

“Driven To Distraction”
Speaker: Sergeant Todd Belcher, Ohio State Highway Patrol

Spotlight Company:

Wishes Can Happen Inc.
The Stark County Safety Council launched a new community project in January, Wishes Can Happen campaign. At every SCSC luncheon meeting a donation box will be located at the check in table. Any amount donated is truly appreciated. Donations will be presented to the organization during their August “Wish-a Thon”. All money collected will stay in Stark County to benefit children between the ages of 3 and 21 with life threatening medical conditions.

UPCOMING
March 19—Prospective Billing Seminar—What you Need to Know: BWC Prospective Billing for Private Employers 8-9:30 a.m. at the Canton Regional Chamber of Commerce.
March 25—SCSC CEO Breakfast at Skyland Pines—see details above.
March 31-April 2—Ohio BWC Safety Congress & Expo. For more information go to www.ohiobwc.gov. See info on this page.
April 13—SCSC Awards Banquet—Lt. Governor Mary Taylor, Keynote Speaker—Skyland Pines.
At the workstation, or on the job, a few minutes of stretching every day can help relieve stress, relax tense muscles and re-energize your day.

Here are a few simple and effective stretches you can do anytime, anywhere to add more physical activity into your life. You’d never guess it could be this easy! Make sure you read and follow a few simple guidelines before you start stretching.

Tips for safe stretching:
- Stretch slowly.
- Remember to breathe normally.
- You should feel a gentle stretch in the muscles, sharp pain is a sign of over-stretching.
- Hold each stretch for at least 15-20 seconds, or until you feel the muscle relax.
- Repeat each stretch 2-3 times.
- Avoid bouncing or jerky movements during stretching - be patient and allow the muscles to gently lengthen while you hold the stretch.
- Relax your mind and the rest of your body as much as you can - enjoy the sensation.
- Maintain good posture while stretching - sit up straight, stand tall.