

Oregon

DEPARTMENT OF
INSURANCE AND
FINANCE

"Expertise in the Public
Interest"

October 23, 1991

Marv Schirman, Project Manager
State of Oregon
Office of Facilities Mgmt DHR

Dear Mr. Schirman:

This is in response to your letter dated October 10, 1991, requesting an interpretation of an employer's responsibility to employees as related to the Hazard Communication Rule OAR 437-155.

QUESTION: Is the employer responsible to have the Material Safety Data Sheets available at a central location in the workplace or is it the lessor/owner's?

ANSWER: The employer is ultimately responsible for the employees health; therefore, the employer is responsible to assure that the Material Safety Data Sheets (MSDSs) for hazardous substances to which his employees are exposed, are available for employee review. The employer may request, in advance, that the lessor, contractor, or owner using the substances provide the MSDSs.

In a case such as you described, a branch employer may be cited as could the contractor, lessor, or owner. The branch employer could be cited because of the possible exposure and lack of availability of the MSDSs for review by his employees under his direct control.

Advance communication and agreements between the lessors, owners, and contractors with employees utilizing their service or using their buildings may result in 'less confusion as to how to approach safety and health regulations.

Please feel free to contact us for further clarification, or if we can be of further service.

Sincerely,

Marilyn K. Schuster, Manager
Standards and Technical Resources Section
Oregon Occupational Safety & Health Division