

OAR 437-004-9800 Hazard Communication Standard for Agricultural Employers

Adopted with Oregon OSHA Administrative Order 3-2014,
filed and effective August 8, 2014.

437-004-9800 Hazard Communication Standard for Agricultural Employers.

NOTES: The Division 4, Hazard Communication Standard for Agricultural Employers (OAR 437-004-9800), focuses on those parts of the General Industry Hazard Communication Standard (Division 2/Z, 1910.1200) that describe the employer's responsibility to establish a workplace program and to communicate information to workers about the hazards of the chemicals used in their workplace.

The Division 4 standard does not include the parts of the Division 2, Hazard Communication Standard that apply only to producers, distributors, and importers of chemicals because these are not typical activities for agricultural employers. As stated in 437-004-9800(2) Scope and application, any agricultural employer who produces, imports, or distributes chemical products must follow the more detailed rules that apply to those general industry activities in Division 2/Z, 1910.1200.

The requirements of this Division 4, Hazard Communication Standard, are intended to be consistent with the Hazard Communication Standard for general industry as aligned with the provisions of the United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS.)

(1) Purpose.

The purpose of this Division 4 Hazard Communication Standard (HCS) is to ensure that agricultural employers provide appropriate information to their employees about the hazardous chemicals to which they can be exposed at their workplaces. The responsibility of chemical manufacturers, importers, and distributors to provide this information is described in Division 2/Z, 1910.1200. The HCS for agricultural employers describes how this information is to be provided: through a comprehensive hazard communication program, including container labels and other forms of warning, safety data sheets and employee training.

(2) Scope and application.

(a) This standard applies to agricultural employers when a hazardous chemical is known to be present in the workplace in a way that employees may be exposed under normal conditions of use or in a foreseeable emergency.

(b) This standard also applies to agricultural employers engaged in crop- or product-related quality control- or quality assurance-type laboratory work.

NOTE: See Division 4/Z, 437-004-9860, Hazardous Chemicals in Laboratories, for rules that apply to other types of laboratory activities.

(c) Division 2/Z, 1910.1200, the Hazard Communication Standard for General Industry, including all mandatory appendices, applies to any agricultural employer who is a producer, importer, or distributor of hazardous chemicals, as those activities are defined in this standard.

(d) The following types of hazardous substances are exempted from the requirements of this standard, under the stated conditions or circumstances:

(A) Any hazardous waste defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that Act by the Environmental Protection Agency;

(B) Any hazardous substance as such term is defined by the Comprehensive Environmental Response, Compensation and Liability ACT (CERCLA) (42 U.S.C. 9601 et seq.), when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA (such as a "Superfund" site) in accordance with Environmental Protection Agency regulations;

(C) Tobacco or tobacco products;

(D) Wood or wood products, including lumber if it will not be processed, where the manufacturer or importer has established that the only hazard posed to employees is the potential for combustibility;

NOTE: Wood and wood products that are treated with a hazardous chemical covered by this standard (such as chemically pressure-treated wood); and wood that will later be sawed, cut or sanded, generating dust, is covered by this standard.

(E) Articles as defined in OAR 437-004-9800(11);

(F) Food or alcoholic beverages sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, or drinking place), and foods intended for personal consumption by employees while at work;

(G) Any drug, defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (e.g., tablets or pills); drugs packaged by the chemical manufacturer for sale to consumers in a retail establishment (e.g., over-the-counter drugs); and drugs intended for personal consumption by employees while at work (e.g., first aid supplies);

(H) Cosmetics which are packaged for sale to consumers or intended for personal consumption by employees while in the workplace;

(I) Any consumer product or hazardous substance, defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, where the employer can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure not more than the range of exposures that could reasonably be experienced by consumers;

(J) Nuisance particulates where the chemical manufacturer or importer has established that they do not pose any physical or health hazard covered under this standard;

NOTE: Nuisance particulate is synonymous with “particulate not otherwise regulated” (PNOR.) PNOR includes all inert or nuisance dusts, whether mineral, inorganic, or organic, that are not specifically listed in Division 4/Z, OAR 437-004-9000, Oregon Rules for Air Contaminants.

(K) Ionizing and non-ionizing radiation; and,

(L) Biological hazards.

NOTES: In addition to these exempted hazardous substances, the general industry Hazard Communication Standard at 1910.1200(b)(5), lists additional types of hazardous chemicals whose manufacturers are not covered by the Hazard Communication labeling requirements, because the products are already regulated by other labeling regulations. (For example, labeling of consumer products is regulated by the Consumer Product Safety Commission; and labeling of pesticide products is regulated by the Environmental Protection Agency.)

Nonetheless, employers must ensure that hazardous chemicals are properly identified in their workplaces, as described in 437-004-9800(5).

(3) Reserved.

(4) Written hazard communication program.

(a) Employers must develop, implement, and maintain an effective written hazard communication program that is specific to their workplace. It must include the following:

(A) A list of all the hazardous chemicals in the workplace using a product identifier that allows cross-referencing to both the product label and a Safety Data Sheet. (Lists may be developed for individual work areas, but the program-required list must include all hazardous chemicals present in the workplace to which the written hazard communication program applies.)

(B) A description of their procedures or methods for meeting the requirements of this Hazard Communication Standard for Agricultural Employers including paragraphs (5) Labels and other forms of warning, (6) Safety data sheets, and (7) Employee information and training.

(C) A description of the methods for informing their employees about the hazards of nonroutine tasks and the hazards associated with chemicals contained in any unlabeled pipes in their work areas.

(b) At multi-employer workplaces, employers who use or store hazardous chemicals in a way that may expose other employer's workers must also ensure that their hazard communication program includes their methods for:

(A) Making safety data sheets available to the workers of other employers;

(B) Informing other employer(s) of any precautionary measures needed for the other employer to protect their employees during normal operating conditions and foreseeable emergencies;

(C) Informing other employer(s) about the labeling system and other forms of warning in use. This includes how the employer will notify other employer(s) about areas where pesticides will be or are being applied and areas under a Restricted Entry Interval.

(c) Upon request, the employer must make their written hazard communication program available to employees, the employee's designated representatives, and the Administrator.

NOTE: Where employees work at more than one workplace, the written hazard communication program may be kept at the primary workplace as long as the information is made available for routine reference during the employee's regular shift and is readily available in an emergency.

(5) Labels and other forms of warning.

NOTE: Chemical producers, importers, and distributors have responsibilities for labeling products that are shipped and for providing those labels to end-users.

(a) Workplace labeling. The employer must ensure that the primary (shipped) labels are legible, in English, and prominently displayed on the container in the work area. Employers with employees who communicate in languages other than English may include information in the other languages, as long as it is also in English.

(b) Except as provided in (5)(d), (5)(e), and (5)(f), the employer must ensure that each container of hazardous chemicals is labeled, tagged or marked with either:

(A) The same elements required on the shipped label:

(i) Product identifier,

(ii) Signal word,

(iii) Hazard statement(s),

(iv) Pictogram(s),

(v) Precautionary statement(s), and

(vi) Name, address, and telephone number of the chemical manufacturer, importer, or other responsible party; OR

(B) The product identifier (that allows cross-referencing with the product's safety data sheet), and

(i) Words, pictures, symbols, or a combination that provide at least general information about the hazards of the chemical;

(ii) This alternative in conjunction with the other information readily available to employees under the employer's hazard communication program, must provide employees with specific information about the hazards of the chemical and appropriate protective measures.

(c) If an employer becomes aware of new information from an up-dated, product label about the hazards of a chemical, or ways to protect against the hazards, affected employees must be trained on this new information before the chemical is used again in the workplace.

(d) The employer may use signs, placards, or other written materials instead of labels on individual, stationary process containers. This alternative method must identify the specific container, meet the requirements in (5)(a) and (b) and be readily accessible to the employees in their work area.

(e) Labels are not required on portable, secondary containers of hazardous chemicals that are for immediate use.

(f) Pesticide application equipment (such as spray tanks and backpack-type sprayers) do not require labeling if the pesticide handlers have access to the pesticide product label during handling activities.

(6) Safety data sheets.

(a) Employers must have a safety data sheet (SDS) for each hazardous chemical that is used or present in the workplace in a way that may expose employees under normal conditions of use or in a foreseeable emergency. This includes residual pesticides encountered by workers doing field hand-labor operations.

(b) SDSs must be readily accessible to all employees on all shifts. Where employees work at more than one workplace, the SDSs may be kept at the primary workplace.

(c) SDSs may be kept electronically if they are readily accessible to employees during their work shifts and available at all times, especially during an emergency such as a power failure.

(d) SDSs must be in English. Employers with employees who communicate in other languages may maintain copies of SDSs in other languages as well.

(e) Where complex mixtures of chemical products have similar hazards and contents (for example, the chemical ingredients are the same, but the specific composition varies from mixture to mixture), the employer may use one SDS to apply to all of these essentially similar mixtures. The product identifier of each mixture, as identified on the product label, must be cross-referenced to the SDS used.

(f) If an employer becomes aware of new information from an up-dated SDS about the hazards of a chemical or about ways to protect employees from the hazards, affected employees must be trained on this new information before the chemical is used again in the workplace.

(g) Safety data sheets as employee exposure records. In accordance with Division 4/A, OAR 437-004-0005, Access to Employee Medical and Exposure Records, employers must retain either the SDS or some record of the identity of the substance or agent, where it was used, and when it was used; and, make this record available upon request to employees, employee's designated representatives, and to the Administrator.

NOTE: OAR 437-004-0005 refers employers to Division 2/Z 1910.1020. For more information about this requirement, see 1910.1020(d)(1)(ii)(B).

(7) Employee information and training.

(a) Give employees effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and when a new physical or health hazard is introduced into their work area. Information and training may cover categories of hazards (examples include flammable liquids and pesticides) or specific chemicals.

(A) Chemical-specific information must always be available through labels and safety data sheets. Agricultural employees who mix, load, or apply pesticides; or otherwise handle hazardous chemicals must receive the full information and training required by this standard.

(B) If employees only handle chemicals in sealed, unopened containers, give them training to the extent necessary to protect them in the event of a spill or leak of a hazardous chemical from a sealed container.

(b) Inform employees of:

(A) The requirements of this training paragraph;

(B) Any operations in their work area where hazardous chemicals are present; and,

(C) The location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals, and safety data sheets.

(c) Employee training must include at least:

(A) Methods and observations to detect the presence or release of a hazardous chemical in the work area (such as monitoring done by the employer, alarm systems, or characteristic odors;)

(B) The physical and health hazards of the chemicals in the work area;

(C) 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, such as appropriate work practices, emergency procedures, and personal protective equipment; and,

(D) The details of the hazard communication program as it relates to the employee's work activities, including an explanation of any alternative labeling or warning systems, possible exposures from non-routine tasks, and how employees can get and use the right hazard information.

(d) Agricultural employers must give all of their employees a copy of, or provide them with training that covers the information in the Oregon OSHA publication #1951 "Safe Practices When Working Around Hazardous Agricultural Chemicals."

(e) For employees doing only field hand-labor operations where their only potential exposure is to residual pesticides, employers may meet the training and information requirements of this rule by:

(A) Giving each employee a copy of or providing training that covers the information in the Oregon OSHA publication #1951, "Safe Practices When Working Around Hazardous Agricultural Chemicals"; and

(B) Providing information about the location and availability of, and ensuring that employees have access to safety data sheets.

(8) Trade secrets. There are special standards about the relationship of this standard to trade secrets. If those circumstances apply, follow Division 2/Z, 1900.1200(i) and its Appendix E.

NOTE: Division 2/Z 1910.1200(i) provides guidance for emergency medical personnel who need to obtain more detailed safety and health information about products with Trade Secret-protected ingredients. Appendix E to Division 2/Z, 1910.1200, Definition of Trade Secret, sets out the criteria to be used in evaluating trade secret claims.

(9) Subpoenas, citations, penalties.

(a) The Oregon Occupational Safety and Health Division has the authority under ORS Chapter 654 to issue a subpoena or any protective orders.

(b) Agency actions under ORS Chapter 654 and this Hazard Communication Standard for Agricultural Employers are enforceable by the issuance of additional citations and penalties pursuant to ORS 654.071(4), ORS 654.086(1)(d), or ORS 654.086(3). The Oregon Occupational Safety and Health Division may refer the matter to the Circuit Court in the county in which the proceedings are pending for enforcement of the subpoena.

(10) Phase-in dates for new rule requirements.

(a) By February 1, 2015, agricultural employers must train their employees about the new label elements (product identifier, signal word, hazard statements, pictograms, and precautionary statements) and, about the new, standardized, 16-section, safety data sheet (SDS) format. After this phase-in date has passed, this information must be included in the initial employee training in accordance with paragraph (7).

NOTES:

Chemical producers have until June 1, 2015 to be in compliance with all the modified provisions of the Division 2/Z Hazard Communication Standard (1910.1200) including those concerning classification, labeling, and safety data sheets.

(b) By June 1, 2016, employers must, as necessary, based on any new hazards identified by chemical manufacturers on updated labels and SDSs:

(A) Update their workplace hazard communication program, as required by paragraph (4); and

(B) Update any alternative workplace labeling used under paragraph (5); and

(C) Provide additional employee training in accordance with paragraph (7).

(11) Definitions.

Agricultural employer – See definition in Division 4/B, OAR 437-004-0100. Also, see “Employer” below.

Article – A manufactured item other than a fluid or particle:

(i) Formed to a specific shape or design during manufacture; and

(ii) With end use function(s) dependent in whole or in part on its shape or design during end use; and

(iii) That under normal conditions of use does not release more than minute or trace amounts of a hazardous chemical and does not pose a physical hazard or health risk to employees.

Administrator – The Administrator of the Oregon Occupational Safety and Health Division, or their designee.

Biological hazard (or biohazard) – An infectious or other biological agent (bacteria, virus, fungus, etc.) presenting a risk of death, injury or illness to employees. (Biohazards are excluded from the requirements of the HCS.)

Chemical – Any element, chemical compound or mixture of elements or compounds. Chemicals may be in solid, liquid, or gaseous form.

Chemical name – The scientific designation of a chemical according to 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 that clearly identifies the chemical for the purpose of conducting a hazard classification.

Classification – The process of identifying the relevant data about the hazards of a chemical; reviewing that data to determine the hazards or effects associated with the chemical; and deciding whether the chemical meets the criteria and definitions in this standard. Classification for health and physical hazards includes the determination of the degree of hazard, where appropriate, by comparing the data with the criteria for the health and physical hazard categories.

Container – Any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. Pipes or piping systems, and engines, fuel tanks, or other operating systems in a vehicle, are not considered to be containers.

Crop- or product-related quality control- or quality assurance-type laboratory work – The sampling or testing of crops or agricultural products to discover defects, with the goal of improving or stabilizing production standards. This type of laboratory work at agricultural workplaces is covered by the requirements of the HCS.

NOTE: See Division 4/Z, 437-004-9860, Hazardous Chemicals in Laboratories, for rules that apply to other types of laboratory work.

Designated representative – Any individual or organization to whom an employee gives written authorization to exercise such employee’s rights. A recognized or certified collective bargaining agent is automatically a designated representative without regard to written employee authorization.

Distributor – Any business, other than a chemical manufacturer or importer, that supplies hazardous chemicals to other distributors or to employers.

Employee – For the purpose of this rule, any worker who may be exposed to hazardous chemicals under normal conditions of use or in a foreseeable emergency. (Also, see definition of “Worker” in Division 4/B, OAR 437-004-0100.)

Employer – For the purposes of this rule, any person, corporation, association, or other legal entity, including a contractor or subcontractor, engaged in a business where employees may be exposed to chemicals. (Also, see definition of “Agricultural employer” in Division 4/B, OAR 437-004-0100.)

Exposure or exposed – An occurrence when an employee is subjected, in the course of employment, to a chemical that is a physical, health, or other listed hazard, including accidental or reasonably anticipated exposure. “Subjected” in terms of health hazards includes any route of entry into the body, including inhalation, ingestion, percutaneous, and skin contact or absorption.

Field hand-labor operations – Agricultural work done by hand or with hand tools, including the cultivation, weeding, planting, and harvesting of crops (including mushrooms) and the packing of produce into containers, whether done on the ground, on a moving machine, or in a temporary packing shed in the field.

Flammable liquids – See definition in Division 4/B, OAR 437-004-0100.

Foreseeable emergency – Any potential event that could result in an uncontrolled release of a hazardous chemical into the workplace. Examples include equipment failure, rupture of containers, or failure of control equipment.

GHS – Globally Harmonized System – The United Nations’ system of classification and labeling of chemicals; an international approach to hazard communication that provides specific criteria for classification of chemical hazards and a standardized approach to label elements and safety data sheets. In 2012, OSHA revised the Hazard Communication Standard (29 CFR 1910.1200) to be consistent with the GHS.

Hand-labor operations – See, Field hand-labor operations.

Handler (or Pesticide Handler) – includes any person, who is employed for any type of compensation by an agricultural establishment and who:

- Mixes, loads, transfers, or applies pesticides;
- Disposes of pesticides or pesticide containers;
- Handles opened containers of pesticides;
- Acts as a flagger for equipment or aircraft applying pesticides;
- Cleans, adjusts, handles, or repairs the parts of mixing, loading, or application equipment that may contain pesticide residues;

- Assists with the application of pesticides; or
- Performs other activities included within the definition of Handler by the Environmental Protection Agency.

NOTE: For more information, see the pesticide Worker Protection Standard in Division 4/W, §170. The term “handler” does not include an employee who only handles sealed, unopened pesticide containers or empty pesticide containers.

Hazard category – The divisions within a hazard class that compare the degree or severity of the hazard. For example, the chemical hazard classifications “oral acute toxicity” and “flammable liquid” both include four hazard categories based on specific criteria. Categories within a hazard class should not be compared with the categories of different hazard classes.

Hazard class – Describes the nature and effect of a physical or health hazard, such as “flammable solid”, “carcinogen”, and “oral acute toxicity”. (Also, see “Classification”.)

Hazard not otherwise classified (HNOC) – An adverse physical or health effect identified through evaluation of scientific evidence during the manufacturer’s classification process that does not meet the specified criteria for the physical and health hazard classes addressed in Division 2/Z, 1910.1200. This does not extend coverage to adverse physical and health effects for which there is a hazard class addressed in 1910.1200, but the effect either falls below the cut-off value/concentration limit of the hazard class or is under a GHS hazard category that has not been adopted by OSHA. (One example is Category 5 oral acute toxicity.)

Hazard statement – A statement assigned to a hazard class and category that describes the nature of the hazards of a chemical, including, where appropriate, the degree of hazard.

Hazardous chemical – Any chemical that is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

NOTE: Division 2/Z, 1910.1200, Appendices A and B describe the criteria producers must use for determining whether or not a chemical is a health or physical hazard for purposes of this standard.

Hazard warning – The words, pictures, symbols, or combination on a label (or other appropriate form of warning) that communicate the specific physical and health hazards of the chemical(s) in the container. (See the definitions for “physical hazard” and “health hazard” to determine the hazards which must be covered by the manufacturer.)

HCS – The Hazard Communication Standard.

Health hazard – A chemical that is classified as posing one of the following hazardous effects: acute toxicity (any route of exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); or aspiration hazard.

NOTE: The criteria for determining whether a chemical is classified as a health hazard are detailed in Appendix A to §1910.1200 – Health Hazard Criteria.

Identity – See Product Identifier.

Immediate use – For the purpose of this rule, describes when a hazardous chemical will be used only within the work shift in which it is transferred, be under the control of, and used only by the person who transfers it from a labeled container. Under these specific conditions, a portable, secondary container is exempted from the requirement for a workplace label. (See 437-004-9800(5)(e).)

Importer – The first business with employees within the Customs Territory of the United States that receives hazardous chemicals made in other countries for the purpose of supplying them to distributors or employers within the United States.

Label – An appropriate group of written, printed or graphic information elements concerning a hazardous chemical that is affixed to, printed on, or attached to the immediate container of a hazardous chemical, or to the outside packaging.

Label elements – The specified product identifier, pictogram(s), hazard statement(s), signal word, and precautionary statement(s) that correlate to each chemical product's hazard class and category. Also, labels must identify and provide contact information for the product's manufacturer or other responsible party.

Manufacturer – See Producer.

Material Safety Data Sheet (MSDS) – See, "Safety Data Sheet (SDS)".

Mixture – A combination or a solution composed of two or more substances in which they do not react.

Nonroutine task – A work activity that occurs infrequently or that varies from what is considered a regular, standard, or normal task.

Pesticide handler – See Handler.

Pesticide, residual – See Residual pesticide.

Physical hazard – A chemical that is classified as posing one of the following hazardous effects: explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid or gas); self-reactive; pyrophoric (liquid or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; or in contact with water emits flammable gas.

NOTE: Physical Hazard Criteria is available in Appendix B to Division 2/Z, 1910.1200.

Pictogram – A composition that includes a red bordered square set on its point, enclosing a black symbol on a white background that is intended to convey specific information about the hazard of a chemical. Eight pictograms are designated under this standard for application to specific hazard categories.

Precautionary statement – A phrase that describes recommended measures that should be taken to prevent or minimize adverse effects resulting from exposure to, or improper storage or handling of a hazardous chemical.

Producer – For the purposes of this rule, an employer with a workplace where chemicals are manufactured, processed, extracted, generated, formulated, or repackaged for use or for distribution.

NOTE: If you mix or blend chemical products for use in your own workplace, and the resulting mixture has no new chemical ingredients or new hazardous characteristics, you can use the SDSs for the component ingredients and you are not considered to be a “producer.” (An example is mixing granular fertilizers together for application on your own property.) However, if the combined chemicals react to create a new ingredient or the combination creates a new hazard, you become a “producer” and you must follow the more detailed rule requirements in the Division 2/Z, 1910.1200, Hazard Communication Standard.

Product identifier – The unique name or number used on the label and in the SDS that provides a means by which the user can identify the hazardous chemical. (Examples include the chemical name, Chemical Abstracts Service (CAS) Registry Number, or other precise designation of the substance.) The product identifier must allow cross-referencing of the product’s label with the product’s SDS, and the list of hazardous chemicals in the employer’s written hazard communication program.

Pyrophoric gas – A chemical in a gaseous state that will ignite spontaneously in air at a temperature of 130 degrees F (54.4 degrees C) or below.

Residual pesticide – Pesticide residue that remains on crops, soil, equipment or other work surfaces, after a pesticide application is completed and any label-required restricted entry interval (REI) has expired. For the purpose of providing hazard information, a Safety Data Sheet must be available for any pesticide that has been used at the workplace within the previous 30 days.

Responsible party – As used on a Label or Safety Data Sheet, someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

Restricted entry interval (REI) – The time period that immediately follows a pesticide application (as specified on the product label) during which only trained and protected employees may enter into the treated area. (The treated area is the physical location where a pesticide is being or has been applied.)

Safety data sheet (SDS) – Written or printed information about a hazardous chemical that is prepared (generally by the manufacturer) in accordance with paragraph (g) of and Appendix D to Division 2/Z, 1910.1200.

Signal word – A word used to alert the reader of the product label to a potential hazard. The signal words used in this section are “DANGER” and “WARNING” “DANGER” is used for the more severe hazards, while “WARNING” is used for the less severe. These words are chosen by the manufacturer based on the classification and categorization of the chemical’s hazards.

NOTE: The EPA has jurisdiction over manufacturers of pesticides and currently has its own system of signal words used on pesticide labels.

Simple asphyxiant – A substance or mixture that displaces oxygen in the ambient atmosphere, and can thus cause oxygen deprivation in those who are exposed, leading to unconsciousness and death.

Specific chemical identity – See “Product identifier”.

Substance – Chemical elements and their compounds in the natural state or obtained by any production process, including any additive necessary to preserve the stability of the product and any impurities deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.

Trade secret – A confidential formula, pattern, process, device, information or compilation of information that is used in an employer’s business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it.

NOTE: Division 2/Z 1910.1200(i) provides guidance for emergency medical personnel who need to obtain more detailed safety and health information about products with Trade Secret-protected ingredients. Appendix E to Division 2/Z, 1910.1200 – Definition of Trade Secret, sets out the criteria to be used in evaluating trade secret claims.

Use – To handle, apply, transfer, or generate as a by-product, any hazardous chemical covered by the requirements of this rule.

Work area – A room or defined space in a workplace where hazardous chemicals are used, and where there are employees.

Workplace – An establishment, job site, or project, at one geographical location with one or more work areas.

Stat. Auth.: ORS 654.025(2) and 656.726(4).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 4-1998, f. 8/28/98, ef. 10/1/98.

OR-OSHA Admin. Order 3-2014, f. 8/8/14, ef. 8/8/14.
