Unauthorized Chemicals Brought to the Workplace Violates VOSHA

Employers, including schools, are responsible for every hazardous chemical product on campus and must provide training, warnings, information, and PPE to those using or potentially exposed to them and maintain Safety Data Sheet records as part of the Hazard Communications program. Employers have faced VOSHA fines of thousands of dollars for non-compliance.

“OSHA clearly places responsibility for information about the hazardous nature of chemicals and the information required as such in two equal and mutually inclusive places:

1. The Chemical Manufacturer or Importer: Their responsibility is to evaluate the hazards of the chemical and develop Safety Data Sheets (SDS) if that chemical presents recognized hazards of any sort.
2. The employer: Their responsibility is to procure any information about hazardous chemicals prior to bringing them to the workplace and allowing employees to use them, and then provide the information and training for the proper use of the chemical and the hazards associated with that chemical, by way of SDS.

I give you the regulatory language that speaks to this under the scope and application of the HAZCOM standard (29 CFR 1910.1200):

1910.1200(b)
Scope and application.

1910.1200(b)(1)
This section requires chemical manufacturers or importers to classify the hazards of chemicals which they produce or import, and all employers to provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program, labels, and other forms of warning, safety data sheets, and information and training. In addition, this section requires distributors to transmit the required information to employers. (Employers who do not produce or import chemicals need only focus on those parts of this rule that deal with establishing a workplace program and communicating information to their workers.)

When employees bring chemicals to the workplace, the employer automatically “owns” those chemicals and is unilaterally responsible to provide the training, information and protections required above. Employers that do not have knowledge of these chemicals are no less responsible for them just because they didn’t know they were on site. Employers that do not fulfill that requirement can be held regulatorily responsible, including financial penalties.

It is very common for employers to establish a work rule addressing this very issue and place that rule right at the beginning of the HAZCOM program.

Example work rule: No chemicals shall be brought to this worksite ______________ unless vetted and specific permission in writing, granted for such action.”

Contact VOSHA (802-828-5085) or VSBIT (802-223-6132), if you have questions.