

---

WAC 296-901-14008 (Cont.)

- (c) If a mixture has not been tested as a whole to determine whether the mixture is a physical hazard, the chemical manufacturer, importer, or employer may use whatever scientifically valid data is available to evaluate the physical hazard potential of the mixture; and
  - (d) If the chemical manufacturer, importer, or employer has evidence to indicate that a component present in the mixture in concentrations of less than one percent (or in the case of carcinogens, less than 0.1 percent) could be released in concentrations which would exceed an established OSHA permissible exposure limit or American Conference of Industrial Hygienists (ACGIH) Threshold Limit Value, or could present a health risk to employees in those concentrations, the mixture must be assumed to present the same hazard.
- (6) Chemical manufacturers, importers, or employers evaluating chemicals must describe in writing the procedures they use to determine the hazards of the chemical they evaluate. The written procedures are to be made available, upon request, to employees, their designated representatives, the assistant secretary and the director. The written description may be incorporated into the written hazard communication program required under WAC 296-901-14010.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 13-06-050 (Order 12-26), § 296-901-14008, filed 03/05/13, effective 04/15/13.]

**WAC 296-901-14010 Written hazard communication program.**

- (1) Employers must develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in WAC 296-901-14012, 296-901-14014, and 296-901-14016 for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:
  - (a) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and
  - (b) The methods the employer will use to inform employees of the hazards of nonroutine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.
- (2) *Multi-employer workplaces.* Employers who produce, use, or store hazardous chemicals at a workplace in such a way that the employees of other employer(s) may be exposed (for example, employees of a construction contractor working on-site) must additionally ensure that the hazard communication programs developed and implemented under this section include the following:
  - (a) The methods the employer will use to provide the other employer(s) on-site access to safety data sheets for each hazardous chemical the other employer(s)' employees may be exposed to while working;
  - (b) The methods the employer will use to inform the other employer(s) of any precautionary measures that need to be taken to protect employees during the workplace's normal operating conditions and in foreseeable emergencies; and
  - (c) The methods the employer will use to inform the other employer(s) of the labeling system used in the workplace.
- (3) The employer may rely on an existing hazard communication program to comply with these requirements, provided that it meets the criteria established in this section.

**WAC 296-901-14010 (Cont.)**

- (4) The employer must make the written hazard communication program available, upon request, to employees, their designated representatives, the department according to the requirements of this section.
- (5) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the written hazard communication program may be kept at the primary workplace facility.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 13-06-050 (Order 12-26), § 296-901-14010, filed 03/05/13, effective 04/15/13.]

**WAC 296-901-14012 Labels and other forms of warning.**

- (1) *Labels on shipped containers.* The chemical manufacturer, importer, or distributor must ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked. Hazards not otherwise classified do not have to be addressed on the container. Where the chemical manufacturer or importer is required to label, tag or mark the following information must be provided:
  - (a) Product identifier;
  - (b) Signal word;
  - (c) Hazard statement(s);
  - (d) Pictogram(s);
  - (e) Precautionary statement(s); and
  - (f) Name, address, and telephone number of the chemical manufacturer, importer, or other responsible party.
- (2) The chemical manufacturer, importer, or distributor must ensure that the information provided under subsection (1)(a) through (e) of this section is in accordance with WAC 296-901-14026, Appendix C-Allocation of label elements, for each hazard class and associated hazard category for the hazardous chemical, prominently displayed, and in English (other languages may also be included if appropriate).
- (3) The chemical manufacturer, importer, or distributor must ensure that the information provided under subsection (1)(b) through (d) of this section is located together on the label, tag, or mark.
- (4) *Solid materials.*
  - (a) For solid metal (such as a steel beam or a metal casting), solid wood, or plastic items that are not exempted as articles due to their downstream use, or shipments of whole grain, the required label may be transmitted to the customer at the time of the initial shipment, and need not be included with subsequent shipments to the same employer unless the information on the label changes;
  - (b) The label may be transmitted with the initial shipment itself, or with the safety data sheet that is to be provided prior to or at the time of the first shipment; and
  - (c) This exception to requiring labels on every container of hazardous chemicals is only for the solid material itself, and does not apply to hazardous chemicals used in conjunction with, or known to be present with, the material and to which employees handling the items in transit may be exposed (for example, cutting fluids or pesticides in grains).