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# GENERAL PENCIL COMPANY, INC.

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## RE: SDS Documents from GENERAL PENCIL COMPANY – Important information

The Hazard Communication Standard (HCS) requires importers to provide Safety Data Sheets (SDS), formerly known as Material Safety Data Sheets (MSDS), to communicate the hazards of hazardous chemical products.

As of June 1, 2015, the HCS will require new SDSs to be in a uniform format, and include the section numbers, the headings, and associated information under the new headings.

**SDSs that represent non-hazardous chemicals are not covered by the HCS.** Paragraph 29 CFR 1910.1200(g)(8) of the standard requires that "the employer shall maintain in the workplace copies of the required SDSs for each hazardous chemical, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s)." OSHA does not require nor encourage employers to maintain MSDSs for non-hazardous chemicals. Consequently, an employer is free to discard MSDSs for non-hazardous chemicals.

**SDS are only required for materials that are hazardous.** Often times, manufacturers are asked for MSDS's for products that do not meet this requirement. Manufacturers are under no obligation to produce SDS's for non-hazardous materials. OSHA discourages the production of MSDS & SDS for non-hazardous materials.

An "article" means a manufactured item: (1) which is formed to a specific shape or design during manufacture (2) which has end use function(s) dependent in whole or in part upon its shape or design during end use; and (3) which does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use. *Any product that meets the definition of an "article," would be exempt from the requirements of the Standard.*

The definition above has been amended to permit the release of "very small quantities, e.g., minute or trace amounts" of a hazardous chemical and still qualify as an article provided that a physical or health risk is not posed to the employees (59 F.R. 6146). In evaluating an article, one must consider the health risk which exposure to that article presents. (The term "risk" as opposed to "hazard" is used here, since the hazard is an inherent property of the chemical and exists no matter the quantity of exposure. To be exempted as an article, exposure must not pose a risk to employee health.)

*Note that OSHA cannot make an across-the-board determination of a products' exclusion as an "article." The standard's definition by its very wording imposes the need to make case-by-case evaluations. Consequently, OSHA cannot give a blanket exemption for specific products.*

The HCS *exempts any consumer product* or hazardous substance, as those terms are 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 which is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended.

According to the first OSHA interpretation listed below, "...clerical workers...*may not* be subject to the requirements of the HCS. Office workers who encounter hazardous chemicals only in isolated instances are not covered by the rule. The Occupational Safety and Health Administration (OSHA) considers most office products (such as pens, pencils, adhesive tape) to be exempt under the provisions of the rule, either as articles or as consumer products.

Page 2 of this memo lists the specific stock numbers that are covered under the attached SDS although not specifically noted on the SDS section 1. Numbers listed on this 2<sup>nd</sup> page that are not noted on the SDS are due to packaging variations (i.e. blistercards, sets) but the individual contents of these packaging variations are within the SDS.

**All products offered by GENERAL PENCIL COMPANY are considered either: a) articles b) office products and/or c) consumer products and are exempted from the requirements of the Standard(s) and do not require SDS (unless otherwise noted).**

For more information refer to: <https://www.osha.gov/html/faq-hazcom.html>