Standards for Safety Data Sheets (SDSs)

Public employers in Texas are required to keep a current Safety Data Sheet (SDS) for every hazardous chemical they have on site regardless of the quantity of the chemical. An SDS is a document that contains chemical hazard and safe handling information. The SDSs must be readily available during each work-shift to public employees at each workplace.

Employers may maintain SDSs in electronic form as long as they are available during the same work-shift in which they are requested, and available to emergency responders as soon as practicable upon request. The employer may make SDSs available to employees on a company website or contract with an off-site/web-based SDS service provider. The employer must not require employees to perform an Internet search (e.g., Google®, Yahoo®) to view/obtain the SDS. It is important to note that the employer bears the responsibility of maintaining and providing SDSs and not the employee.

Per 25 TAC Section 295.5(a), a "current" SDS is one which contains "the most recent significant hazard information for the hazardous chemical as determined by the chemical's manufacturer." Often chemical manufacturers will update their SDSs without making significant changes to the chemical hazard information. In these cases, the previous SDS will be considered "current" for regulatory purposes under §295.5(a).

Per 25 TAC Section 295.5(c), an employer shall not permit the use of any hazardous chemical for which a current SDS is not available. A chemical manufacturer or distributor must provide an appropriate SDS to an employer within three business days of receipt of the employer's written request.

A substitute (non-manufacturer-specific) SDS can be used if it is identical to the manufacturer-specific SDS both in identity and formulation of the hazardous chemical. The hazardous chemical in question must be consistently prepared or produced by several different manufacturers to established industry standards. The medical treatment information for exposure to the chemical must be readily available to the medical community.

Globally Harmonized System of Classification and Labeling of Chemicals (GHS)

The Hazard Communication Standard (HCS) (29 CFR 1910.1200(g)), aligned with the GHS in 2012, requires that the chemical manufacturer, distributor, or importer provide Safety Data Sheets (SDSs) for each hazardous chemical to downstream users to communicate information on these hazards. SDSs were formerly called Material Safety Data Sheets, or MSDSs. The information contained in the SDS is largely the same as the MSDS, except now the SDSs are required to be presented in a consistent, user-friendly, 16-section format. For more information on the new Safety Data Sheets, please see the OSHA Hazard Communication Standard for Safety Data Sheets.

As SDSs are received from hazardous chemical manufacturers and distributors, they should replace the MSDSs on file. Training on both the old MSDSs and the new SDSs should continue throughout the transition period until employers no longer have any of the old MSDSs on site.

Training on Safety Data Sheets

An employee education and training program must include information on interpreting labels and SDSs, and the relationship between those two methods of hazard communication. Public employers must maintain employee training records for at least five years. The records must include documentation of each training session given to employees, the date the training was given, a roster of the employees who attended, the subjects covered, and the names of the instructors.

If you have questions or concerns about Safety Data Sheets under the THCA, please see the program website at www.dshs.texas.gov/hazcom or contact us at:

Email: TXHazComHelp@dshs.texas.gov
Phone: 512-834-6787
Fax: 512-483-3414
Mail: Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
Hazard Communication Program
P.O. Box 149347, MC 2835
Austin, TX 78714-9347