

AMENDMENT TO H.R. 4037
OFFERED BY MR. BALLENGER AND MR. ROEMER

Strike all after the enacting clause and insert the following:

1 SECTION 1. ELECTRONIC ACCESS.

2 In the administration and enforcement of the regula-
3 tion on Hazard Communication, published at 29 C.F.R.
4 Sec. 1910.1200, the Secretary shall provide that an em-
5 ployer complies with the requirement of maintaining and
6 making readily accessible to employees material safety
7 data sheets (MSDS) for each hazardous chemical if such
8 employer makes the MSDS available through electronic
9 access, so long as—

10 (1) the electronic system for retrieving MSDS's
11 is reasonably and readily available to employees in
12 their work areas throughout their work shifts and to
13 representatives of the employees upon reasonable re-
14 quest;

15 (2) the electronic system is capable of providing
16 a paper copy of a retrieved MSDS without unreason-
17 able delay;

18 (3) employees are adequately trained in the use
19 of the electronic system for retrieving MSDS's; and

1 (4) the electronic system provides a means of
2 retrieving information contained in MSDS's in case
3 of a temporary power or equipment failure or other
4 emergency.

5 **SEC. 2. DISPLAY OF SAFETY INFORMATION.**

6 (a) GENERAL RULE.—Under the regulation on
7 Hazard Communication, published at 29 C.F.R. Sec.
8 1910.1200, each chemical manufacturer, importer,
9 or distributor shall prominently display worker safe-
10 ty information described in subsection (b) by ei-
11 ther—

12 (1) attaching to the first page of each material
13 safety data sheet a container label (or facsimile
14 thereof) which includes, at a minimum, the informa-
15 tion described in subsection (b); or

16 (2) attaching to the first page of each material
17 safety data sheet the text of a container label de-
18 scribed in paragraph (1).

19 (b) INFORMATION.—The information required by
20 subsection (a) shall include—

21 (1) the manufacturer's, importer's, or distribu-
22 tor's name, address, and emergency telephone num-
23 ber (including the hours of operation);

1 (2) the identity of the chemical, using the trade
2 name or chemical name and potentially hazardous
3 ingredients of the chemical;

4 (3) appropriate hazard warnings, with imme-
5 diate hazards listed first;

6 (4) instructions for safe handling and pre-
7 cautionary measures to avoid injury from hazards;
8 and

9 (5) first aid instructions in case of contact or
10 exposure which require immediate treatment before
11 medical treatment is available.

12 Information required under paragraph (5) should be
13 targeted to the technical level of the audience and
14 information required by this subsection shall be pre-
15 sented with the least technical language appropriate.

16 (c) **EFFECTIVE DATE.**—The requirements of sub-
17 section (a) shall apply to material safety data sheets for
18 new or reformulated chemicals beginning 18 months after
19 the date of the enactment of this Act and shall apply to
20 all other material safety data sheets beginning 36 months
21 after such date.

22 **SEC. 3. STUDY.**

23 Not later than 90 days after the date of the enact-
24 ment of this Act, the Secretary of Labor shall initiate a
25 study that assesses and measures the comprehensibility of

1 hazard warnings to industrial workers. Upon completion
2 of the study, the Secretary shall prepare a report and
3 make it available to chemical manufacturers and import-
4 ers which prepare material safety data sheets.

5 **SEC. 4. REPORT ON AGREEMENT.**

6 The Secretary of Labor shall report to the House
7 Committee on Education and the Workforce and the Sen-
8 ate Labor Committee upon United States entry into any
9 international agreement regarding the format or contents
10 of material safety data sheets or labeling of hazardous
11 chemicals with recommendations for changes to the re-
12 quirements of this Act.