

5206.0800 AVAILABILITY OF INFORMATION.

Subpart 1. **Data sheets.** A written document containing the information required in the training programs described in part 5206.0700, subparts 2 and 3 shall be available for each hazardous substance or harmful physical agent to which employees who are not technically qualified individuals are routinely exposed.

Where infectious agents are present, a written document containing the information required in part 5206.0700, subpart 4, shall be available. "Control of Communicable Disease in Man," published by the American Public Health Association, is one example of an acceptable written document.

Subp. 1a. **Manufacturer's responsibilities.** An employer who is a manufacturer of a hazardous substance or mixture of hazardous substances, or of equipment which generates a harmful physical agent, shall provide an employer who purchases the substance or equipment with the information necessary for the purchasing employer to comply with the requirements of part 5206.0700, subparts 2 and 3. The information shall be provided at the time of purchase and shall be current, accurate, and complete for each substance, mixture, or agent.

Subp. 2. **Data sheet for product mixture.** A material safety data sheet may be prepared on an entire product mixture if hazard test information exists on the mixture itself or adequate information exists to form a valid judgment of the hazardous properties of the mixture itself and the manufacturer indicates that the conclusions drawn are from some source other than direct testing on the mixture, information on the mixture will be as effective in protecting employee health as information on the ingredients, and the hazardous substances in the mixture are identified together with the information on the mixture.

Subp. 3. **Hazardous concentrations.** All components that are hazardous substances and are present in quantities above one percent by weight in a mixture must be listed on the material safety data sheet or equivalent data sheet. Whenever valid evidence indicates that a substance or components of a mixture are hazardous at concentrations less than one percent by weight, these ingredients must be listed and the required hazard information provided on manufacturer's labels and data sheets. Components identified as carcinogens shall be listed if the concentrations are 0.1 percent or greater. Substances and mixtures that are exempt from this requirement are described in part 5206.0400, subpart 2.

Subp. 4. **Impurity concentrations.** Impurities known to be present and in quantities below one percent by weight are exempt from the listing requirements on labels and data sheets unless known to the manufacturer to contribute substantially to the hazard of the mixture.

Subp. 5. **Form.** Provision of a material safety data sheet completed in accordance with Code of Federal Regulations, title 29, part 1910.1200, shall be prima facie proof of compliance with the information requirements of this chapter.

Subp. 6. **Providing data sheet.** Any person subject to the provisions of this chapter shall be released from the obligation to provide a specific employer who purchases a hazardous substance with a material safety data sheet if that person has previously provided the specific purchaser with the most recent version of the material safety data sheet.

Subp. 7. **Data sheet in research laboratory.** In a research laboratory, a material safety data sheet must be available for each hazardous substance used to produce a new mixture until the manufacturer is able to determine the data sheet information for the new mixture.

Subp. 8. **Alternative data sheet.** In lieu of a written document as required by this part, access to a display device shall constitute compliance if the information is readily accessible in the area or areas in which the hazardous substance is used or handled and a printout of the information is available to the employee requesting it within 24 hours, excluding nonworkdays.

Statutory Authority: *MS s 182.655*

History: *8 SR 1949; 13 SR 2219; 17 SR 1456*

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