

# Retention of Material Safety Data Sheets

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## **Why the Switch from MSDS to SDS?**

For many years under the HCS, the responsibility was met by maintaining a copy of the Material Safety Data Sheet (MSDS) for each product that was considered a hazardous chemical. Under the Hazard Communication 2012 Standard, the MSDS will be replaced with a Safety Data Sheet (SDS). Before the Hazard Communication 2012 Standard, there were several acceptable MSDS formats (9 section OSHA format and the ANSI 16 section format). OSHA's adoption of Global Harmonization Standards (GHS) requires the use of a single format with 16 sections that appear in a specific order. Although this change seems to have become a cause for concern, in all practical reality, there is very little difference between the two documents (see supporting document).

## **Will the Change Require that Both an MSDS and an SDS be Kept for the Same Product?**

For compliance with the new OSHA Hazard Communication 2012 Standard regulatory requirements, maintaining both an MSDS and a SDS for the same chemical is **not** necessary. In the next few years as the SDS becomes available for individual products, they will replace the existing MSDSs. Although there is no requirement to keep the older MSDS once it is replaced with an SDS, a good management practice would be to keep an electronic copy on file, especially if existing stocks of the chemical were purchased under the older MSDS.

## **Retention of Material Safety Data Sheets**

How long are you required to retain a Material Safety Data Sheet (MSDS) for the hazardous materials in use at your research laboratory or stockroom? A complete answer to that question requires a full understanding of the applicable standards of the Occupational Safety & Health Administration (OSHA) and the intent of the regulations.

The quick answer is: yes, [29 CFR 1910.1020](#) requires you to maintain **some record** of the identity of the Toxic Substance or Harmful Physical Agent to which employees are exposed for 30 years after the last day of its use. Note that it does not mandate the use of an MSDS, just "some record," it's on this point that this simple requirement can become complicated. OSHA's intent is to have the employer make important health-related information accessible to current and former employees for as long as it might (thought) be necessary, this created the retention period of 30 years. OSHA also wanted employers to include information about when and where the chemical or substance was used. This last point was resisted by employers, so OSHA compromised and gave employers two options for retaining the information ([OSHA letter of interpretation 11.8.85](#)):

1. The MSDS, **or**
2. The identity of the material (technical name if known) **and** information about where and when it was used.

**WAC 296-802-20010**

**Keep employee exposure records.**

You do not need to keep employee exposure records for exposure to toxic substances when they are:

## Retention of Material Safety Data Sheets

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- Purchased as a consumer product; and
- Used in the same manner and frequency that a consumer would use them.

### You must:

- Keep employee exposure records for at least thirty years from the date the exposure record was made. These records include the following:
  - The sampling results.
  - The collection methodology (sampling plan).
  - A description of the analytical and mathematical methods used.
  - Background data to environmental monitoring or measuring, such as laboratory reports and work sheets.

**Note:** You do not have to keep the actual background data for more than one year if you keep a summary of the data for thirty years.

### You must:

Keep a record, for at least thirty years, of the identity of any toxic substance used in your workplace. Include:

- **Where** the substance was used.
- **When** the substance was used.

In order to comply with **WAC 296-802-20010** and **29 CFR 1910.1020**, one needs to determine if one or more of the following events have occurred during the past thirty (30) years:

- An air survey was performed to determine employee exposure to a chemical or substance;
- A noise survey and/or dosimetry study was performed to determine employee exposure to noise levels;
- An employee was subject to biological monitoring (e.g.: blood test), medical surveillance and/or medical monitoring due to working with a hazardous chemical or substance (like lead, asbestos or hexavalent chromium);
- One or more employees received a medical examination by a physician or other licensed healthcare provider prior to wearing a respirator;
- Your department developed a written Exposure Control Plan per the OSHA Bloodborne Pathogens standard;
- An employee accepted the hepatitis B vaccination series as part of your Bloodborne Pathogens program, and/or received a medical evaluation (and possibly follow-up care) due to an exposure incident involving blood or other potentially-infectious materials;

# Retention of Material Safety Data Sheets

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If you answered yes to one or more of these, there will be some kind of document or written record associated with that item. And that document or record is subject to the record preservation and access requirements of DOSH WAC 296-802-20010 and OSHA standard 29 CFR 1910.1020.

## **In Conclusion:**

### **Retention of MSDSs After an Exposure or Incident**

The Hazard Communication 2012 Standard and the GHS Standard requirements deal with exposure monitoring or an exposure incident. And as such, meeting the requirements of OSHA 29 CFR 1910.1020 and WAC 296-802-20010 would require the report findings and raw data be kept in both the individuals' medical file and here at EH&S. **The product MSDS would be included as part of the exposure report.** EH&S conducts most of the exposure monitoring mentioned above and would be responsible for ensuring that all the documents are included in the files. The recent air monitoring for formaldehyde in the Biology department would be one example. An MSDS for the chemical (formaldehyde) used within that specific teaching laboratory was obtained and included as part of the documentation.

### **Archiving MSDSs in General**

Material Safety Data Sheets are sent from chemical manufacturers and contain information regarding the health hazards associated with specific chemicals. The MSDS **does not** indicate where the chemical was used, therefore it does not provide adequate exposure information **and does not need to be maintained the 30 years as required by WAC 296-802-20010.**

### **Replacement of MSDS with SDS**

When a new SDS is received with a product or chemical order, the MSDS within the binder should be replaced. With that said, if there are still "old" product of the same composition on the shelf or in storage, then it is recommended that the MSDS be retained either in the binder behind the SDS or in the Master MSDS files. Once the "old" MSDS product is gone (used up) then the MSDS can be discarded.