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NADA MANAGEMENT SERIES L22

A DEALER GUIDE TO THE UPDATED OSHA HAZCOM STANDARD



NADA NATIONAL AUTOMOBILE DEALERS ASSOCIATION

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The National Automobile Dealers Association (NADA) has prepared this management guide to assist its dealer members with compliance with federal regulatory requirements. Nothing in this guide (including the Appendices) is intended as legal advice. The requirements of the OSHA Hazard Communication Standard and the circumstances of every dealership are complex, and dealers should not simply adopt the sample information in the guide or appendices. In addition, this guide discusses only the OSHA standard for Hazard Communication; it does not discuss state or local law that may impose additional requirements or requirements that may apply to you by contract. You should draft and implement all required policies and procedures appropriate to your dealership and ensure that they are fully reviewed by qualified legal counsel. Note that some of the guidance presented in this publication is from an outside compliance firm. As with all of the information in this guide, dealers should consult with their legal advisors to ensure compliance with the relevant legal requirements. The presentation of this information is not intended to encourage concerted action among competitors or any other action on the part of dealers that would in any manner fix or stabilize the price or any element of the price of any good or service.

Cover: Globally Harmonized System of Classification and Labeling of Chemicals (GHS) hazard pictograms.

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PREFACE

Motor vehicle dealerships are subject to Occupational Safety and Health Administration (OSHA) rules that require employers to provide chemical hazard information to employees potentially exposed to workplace chemical hazards (e.g., service, body and parts personnel). Originally published in 1983 to cover manufacturers, the Hazard Communication (HazCom) Standard was expanded in 1988 to nonmanufacturing industries, including dealerships, and in 2012 it was revised to align with the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals.

The standard helps to protect employees against chemical-related injuries or illnesses by requiring that they be educated about potential chemical hazards. It specifically requires dealerships to:

- Inventory their hazardous chemicals.
- Implement written HazCom programs.
- Obtain, file, and maintain accessibility to Safety Data Sheets (SDSs) for each hazardous chemical present in the workplace.
- Ensure that chemical labels are legible, informative of the chemical's hazards, and maintained on all chemical containers.
- Train potentially exposed employees on the safe handling of hazardous chemicals.

In 2024, OSHA adopted revisions to the hazard communication standard to better align with the latest version of the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals. Those revisions primarily impacted the manufacturer of the chemicals.

This guide provides a background on the HazCom standard, discusses how it applies, lists procedures for compliance, and suggests resources for HazCom programs and other compliance assistance.

I. PURPOSE OF THE HAZCOM STANDARD

The HazCom standard aims to ensure that the hazards of all chemicals produced or imported are classified, and that information on classified hazards is transmitted to employers and employees. Consequently, chemical producers and distributors must assess potential chemical hazards, transmit hazard information to employers and employees, and recommend appropriate protective measures. Downstream employers, such as dealerships, must develop and maintain written HazCom programs with a list of hazardous chemicals in the workplace, must maintain an SDS for each hazardous chemical, and must train employees on potential chemical hazards and appropriate protective measures.

Dealerships operating in OSHA-approved State Plan states must comply with state HazCom requirements, which may differ from the federal. Any other state laws in this area are preempted.

II. SCOPE AND APPLICATION

The HazCom standard covers dealership employees who may be exposed to chemical hazards. In the majority of dealerships, coverage essentially extends to service, body, parts and detail employees. Office workers, salespersons, and other employees who encounter hazardous chemicals only in isolated, non-routine instances and are not regularly exposed to them are not covered by the HazCom rule.

Parts department employees are covered primarily because they handle hazardous chemicals in sealed containers under normal operating conditions or in foreseeable emergencies. With respect to such employees, dealers need only:

- Ensure that hazardous chemical container labels are not removed or defaced.
- Maintain SDSs in a manner readily accessible to employees. If an SDS is missing, it should be requested from the manufacturer or distributor within 24 hours following the request of a parts department employee.
- Provide information and training necessary to protect parts employees in the event of a spill or leak of hazardous chemicals from sealed containers.

III. EXEMPTIONS

Chemicals exempt from the HazCom standard labeling requirements include:

- Pesticides
- Foods, food additives, drugs, and cosmetics
- Distilled spirits
- Consumer products already labeled

The HazCom standard fully exempts:

- Hazardous wastes
- Tobacco and tobacco products
- Articles (see definition below)
- Food or alcoholic beverages, drugs, and cosmetics intended for personal employee consumption at the workplace
- Consumer products or hazardous substances used in the workplace for a purpose intended by the manufacturer or importer with a duration and frequency of exposure that is not greater than the range of exposures that could reasonably be experienced by consumers

The consumer product exemption applies to a variety of cleaners and other low-volume materials used in dealerships (e.g., abrasive cleaners or fabric protectants used by employees upon occasion and for limited duration). A similar chemical product applied all day long by a new-vehicle prep or detail employee would not be exempt. Office products like screen cleaner are exempt.

Compliance Tip

It can be difficult to determine in some cases if an employee is covered by the Hazard Communication standard or if they are exempt by the consumer products exemption. If an office employee uses a cleaner to clean their own desk, this would be an instance where the employee is using the chemical as if they were a normal consumer. If it is a part of their job duties to go around and clean all desks in the show room with the cleaner, this is not operating as a normal consumer and they would be covered by the rule. When in doubt, err on the side of caution and consider the employee to be covered by the rule.

IV. KEY DEFINITIONS

The HazCom standard includes several definitions important to understanding compliance responsibilities (a full list of regulatory definitions is found at 29CFR 1910.1200(c) in the HazCom rule). Key definitions include:

- **Article:** *a manufactured item other than a fluid or particle: (i) which is formed to a specific shape or design during manufacture; (ii) which has end use function(s) dependent in whole or in part upon its shape or design during end use; and (iii) which under normal conditions of use does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical… and does not pose a physical hazard or health risk to employees.* This definition suggests that the standard is not meant to cover very small releases of chemicals. It does cover manufactured items that do not present chemical hazards when used, but may present hazards when under repair or being worked on (e.g., vehicle parts worked on in a machine shop that do not present a chemical hazard when used in a vehicle). For example, an employee who does not repair an engine that contains motor oils and fuels could have the "Article" definition apply exempting them from the components of the standard; however, a technician who repairs such engines would be exposed to those chemicals and would not be able to use an "article" exemption.



- **Container:** *any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this section, pipes or piping systems, and engines, fuel tanks, or other operating systems in a vehicle, are not considered to be containers.*
- **Distributor:** *a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to employers.* Dealership parts departments that sell chemicals at wholesale appear to be distributors.
- **Employee:** *a worker who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies. Workers such as office workers or bank tellers who encounter hazardous chemicals only in non-routine, isolated instances are not covered.* This definition suggests that the HazCom standard does not apply to salespersons and office personnel since they are only exposed to hazardous chemicals in non-routine, isolated instances. Service writers, cashiers, and lot attendants also may be exempt unless they regularly frequent service or body shops.
- **Employer:** *a person engaged in a business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor.*

V. HAZARD DETERMINATION AND WRITTEN HAZCOM PROGRAM

The HazCom standard requires chemical manufacturers, importers and formulators to evaluate the hazard potential of their chemicals. Dealership HazCom responsibilities are triggered by the on-site presence of non-exempt chemicals with hazard warning labels. Dealerships need not evaluate the hazard potential of the chemicals they use, but instead may rely on product labels and SDSs.

Dealerships must develop written HazCom programs and make them accessible to covered employees. Those with more than one geographic location (e.g., a body shop across town from the main dealership) must keep a copy of the written program at each location or have access to the programs electronically. Chemical hazard inventories must be conducted at each location and a written list of inventoried chemicals should be kept with the written HazCom program. Each dealership's list will vary. Properly dispose of any chemicals determined to be unnecessary to a dealership's operations, including those brought in by employees without authorization.

REMEMBER

Chemical inventories must be audited periodically to ensure the most recent SDS is contained within the program.

Written HazCom programs must detail:

- Proper chemical labeling and other forms of warning,
- SDSs and their location, and
- Employee information and training.

Dealerships need not develop written hazard communication programs from scratch as model written programs can be obtained from state labor departments, or from private consultants. State or local dealer associations also may make model HazCom programs available directly or through private vendors or consultants. OSHA's compliance information includes a model written program, webinars and a Six Steps checklist (see next page). Lastly, private vendors and consultants may have compliance kits designed specifically for use by vehicle service facilities.

Compliance Tip

If you decide to use a template to create your own HazCom program, be sure to completely and carefully read through the entire program. If roles are to be assigned or if the program indicates procedures that must be followed, ensure your operations adhere to the roles and procedures stated in the program. A part of compliance means following through with what your written program states your organization does.

VI. LABELS AND OTHER FORMS OF WARNING

Chemical labeling is the responsibility of chemical manufacturers, importers, and distributors. HazCom labels typically contain product identifiers, signal words, hazard statements, pictograms, precautionary statements, and the name, address, and telephone number of the chemical manufacturer, importer, or distributor.

Dealerships should attempt to see that chemical products found on-site stay labeled. Stationary containers (e.g., above-ground storage tanks, parts cleaners, etc.) also should be labeled. Bulk chemical suppliers typically provide bulk container labels. Portable or secondary containers used to transfer hazardous chemicals from labeled bulk containers (such as 55-gallon drums or 1-gallon containers) do not require labeling if the chemical is intended for immediate use or will be used by the end of the work shift and under sole control of the employee who made the transfer. Otherwise, portable containers should be labeled to protect unsuspecting employees from their hazards.

Compliance Tip

Establishing a policy requiring all chemical containers to be labeled at all times is a best management practice. This approach reinforces consistent labeling practices among employees and minimizes the likelihood of containers being left unlabeled.

Secondary containers must be labeled with both the product name and the hazard warnings of the transferred chemical. This information can be found on the original (primary) container or in Section 2 of the SDS.

For example, if an employee transfers brake cleaning solvent from a 55-gallon drum into a pressurized sprayer, the employee must label the pressurized sprayer with the brand name of the brake cleaner and its associated hazards.

Compliance Tip

Preprinted labels can be purchased from various vendors to allow employees to simply match the hazard pictogram stickers with a pictogram warning on the original container. The sticker is placed on the secondary container, along with the product name, to meet compliance.



Secondary Container Label Example:

Chemical or Product Name Brake Cleaner	**GHS**
Manufacturer ABC Chemical Company	
Name of Preparer Jon Doe / **Date** 1/1/2025	



OSHA's preference is for businesses to use the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) symbol approach to labeling chemical containers for their hazards as the symbols are recognized internationally. Here is a guide to the GHS symbols.

CASE STUDY

One day, a dealership service technician was repairing a used vehicle in the service department for a leaking fuel system. During the repair, fuel dripping onto hot engine components ignited, causing a fire in the engine bay. The technician attempted to extinguish the fire using water and grabbed an unmarked bottle from his workbench, pouring its contents onto the flames. Unfortunately, the bottle contained solvent, which intensified the fire, resulting in the technician sustaining second-degree burns. Once the fire was extinguished, the mistake highlighted the critical importance of properly labeling all chemical containers to ensure safety within the dealership.



Container Hazard Labeling: Globally Harmonized Symbols



HEALTH HAZARD

Indicates hazards like carcinogenicity, respiratory sensitization, reproductive toxicity, organ toxicity, or aspiration hazard.

Where this is commonly found in a dealership:

- Detailing chemicals:
- Paint sprays: Clear coats, base coats, undercoatings



FLAME HAZARD

Warns of flammable materials, self-heating substances, pyrophoric substances, self-reactive substances, or organic peroxides.

Where this is commonly found in a dealership:

- Solvent cleaners: brake cleaners, paint thinners, etc.
- Fuels: gasoline, acetylene gas, etc.



ACUTE TOXICITY

Signals irritants (skin or eye), skin sensitizers, acute toxicity (harmful), narcotic effects, or hazardous to the ozone layer.

Where this is commonly found in a dealership:

- Detailing chemicals
- Service fluids



COMPRESSED GAS

Indicates gases under pressure, which may explode if heated or cause cryogenic burns or injuries.

Where this is commonly found in a dealership:

- Aerosols
- Torching/welding equipment



CORROSIVE

Represents substances that cause skin corrosion, serious eye damage, or can corrode metals.

Where this is commonly found in a dealership:

- Detailing chemicals: wheel acid cleaners
- Vehicle batteries



SEVERE TOXICITY

Denotes acute toxicity (fatal or toxic) if inhaled, ingested, or absorbed through the skin.

Where this is commonly found in a dealership:

- Detailing chemicals
- Engine fluids: antifreeze



OXIDIZER

Identifies oxidizers, which can cause or intensify fire by releasing oxygen.

Where this is commonly found in a dealership:

- Compressed oxygen gas used in torching



EXPLOSIVE

Signals explosives, self-reactive substances, or organic peroxides that may detonate or explode under certain conditions.

Where this is commonly found in a dealership:

- Air bags
- Seatbelt pretensioners



ENVIRONMENTAL HAZARD

Highlights substances that are hazardous to aquatic environments (acute or long-term).

Where this is commonly found in a dealership:

- Detailing chemicals
- Engine fluids

6 Steps to an Effective Hazard Communication Program

STEP 1

LEARN THE STANDARD/IDENTIFY RESPONSIBLE STAFF

- Obtain a copy of OSHA's Hazard Communication Standard.
- Become familiar with its provisions.
- Make sure that someone has primary responsibility for coordinating implementation.
- Identify staff for particular activities (e.g., training).

STEP 2

PREPARE AND IMPLEMENT A WRITTEN HAZARD COMMUNICATION PROGRAM

- Prepare a written plan to indicate how hazard communication will be addressed in your facility.
- Prepare a list or inventory of all hazardous chemicals in the workplace.

STEP 3

ENSURE CONTAINERS ARE LABELED

- Keep labels on shipped containers.
- Label workplace containers where required.
- Implement a system to ensure secondary containers are appropriately labeled.

STEP 4

MAINTAIN SAFETY DATA SHEETS

- Maintain safety data sheets for each hazardous chemical in the workplace.
- Ensure that safety data sheets are readily accessible to employees.
- Maintain copies of safety data sheets for a minimum of 30 years. This is based upon 1910.1020 Access to employee exposure and medical records.

STEP 5

INFORM AND TRAIN EMPLOYEES

- Train employees on the hazardous chemicals in their work area before initial assignment, and when new hazards are introduced.
- Include the requirements of the standard, hazards of chemicals, appropriate protective measures, and where and how to obtain additional information.

STEP 6

EVALUATE AND REASSESS YOUR PROGRAM

- Review your hazard communication program periodically to make sure that it is still working and meeting its objectives.
- Revise your program as appropriate to address changed conditions in the workplace (e.g., new chemicals, new hazards, etc.).

Adapted from OSHA's Hazard Communication: Small Entity Compliance Guide for Employers That Use Hazardous Chemicals

VII. SAFETY DATA SHEETS (SDS)

Chemical manufacturers, importers, and distributors must provide downstream chemical users with SDSs. Dealership fixed operations managers typically take on the responsibility of conducting hazardous chemical inventories. Inventories must be audited periodically to ensure all chemicals on-site have a corresponding SDS and the most current data sheet is available. This is recommended at least annually. Fixed Op managers also ensure that SDSs are kept on file for each hazardous chemical at the dealership. SDSs are multi-page documents that provide the following information:

- Product identification.
- Hazard(s) identification.
- Composition/information on ingredients.
- First-aid measures.
- Fire-fighting measures.
- Accidental release measures.
- Handling and storage.
- Exposure controls/personal protection.
- Physical and chemical properties.
- Stability and reactivity.
- Toxicological information.
- Ecological information.
- Disposal considerations.
- Transport information.
- Regulatory information.
- Other information, including date of preparation or last revision.

SDSs can be extremely helpful to medical providers in the event of an employee's exposure to a chemical. For instance, if an employee inadvertently ingests a chemical due to mistakenly placing it in a beverage container that retains its original label, the SDS would offer critical information for proper medical assessment and treatment.

Dealerships normally receive SDSs from suppliers for the hazardous chemicals brought on-site. SDSs may accompany the chemical products they describe or may be provided separately, but they typically are provided only once, unless there is a subsequent update. SDSs should be collected for each workplace location and be kept accessible to employees, electronically or otherwise. If an SDS is found to be missing for any labeled non-exempt chemical, a documented effort should be made to obtain it from the appropriate chemical manufacturer, importer, or distributor.

Upon request, parts department personnel should provide SDSs to commercial account customers purchasing hazardous chemicals. A sign in the parts department should indicate their availability.

Compliance Tip

It is strongly recommended that a dealership designate a management staff member to take on the role and responsibilities of an SDS Coordinator. This individual would serve as the gatekeeper for the SDS sheets, conducting periodic inventories of chemicals to ensure the site maintains an up-to-date chemical inventory with corresponding SDSs. If multiple departments, such as Detail/Prep or the Collision Center, are authorized to purchase chemicals directly from vendors they would be able to submit their new chemical information to this coordinator. If there is no coordinator or process for new inbound dealership chemicals, inconsistencies or gaps in SDS documentation may arise if the purchasers are unaware of the requirement to obtain an SDS from the chemical vendor.

Employees must have immediate access to SDS information without leaving their work area when needed and a back-up is available for rapid access to the SDS in the case of a power outage or other emergency.

There are a number of methods to provide accessibility to SDS:

1. Hard copies can be maintained in a binder near the location hazardous chemicals are used
2. Electronic copies on internal computers (Dealerships can partner with vendors who provide electronic access via websites or QR codes.)

Employees must have internet access (if using electronic means) and must be provided training on how to access SDSs by whatever means is used on-site. It is acceptable to have multiple methods of providing SDSs, as long as employees understand all methods available to them. Having multiple methods may reduce vulnerabilities in the invent of a regulatory inspection.

OSHA requires employers to maintain SDSs for all hazardous chemicals in the workplace as long as the chemical is in use. However, OSHA's exposure record retention requirement (29 CFR 1910.1020) states that if an SDS serves as a record of employee exposure to hazardous chemicals, it must be retained for at least 30 years after the chemical is no longer used or in lieu of maintaining the SDS the dealership may keep a document showing the chemical name, manufacturer, and the dates of use.

Compliance Tip

Making use of an electronic database for SDS access and maintenance will help to ensure document retention for the 30 year employee exposure record standard. Paper copies can easily be lost and if lost they can be difficult to recover. Employees who experience long term health problems may suspect a chemical they were exposed to while working at the dealership. If litigation or an investigation is conducted, retrieving the SDS will be much easier to accomplish via an electronic database.

VIII. EMPLOYEE INFORMATION AND TRAINING

What training must be provided to employees?

Dealerships must provide information and training to employees potentially exposed to chemical hazards. Effective employee information and training is the backbone of a successful dealership HazCom program. Employees typically act to protect their health and well-being once they understand how to handle workplace chemicals properly. By working together, dealerships and employees can guard against preventable chemical-related illnesses and injuries.

Employee information and training must cover the following:

1. Overview of HazCom Standard
    - Purpose and scope of OSHA's Hazard Communication Standard (29 CFR 1910.1200).
    - Explanation of employees' rights under the standard.
    - Employer's responsibilities to provide information and training.
2. Hazardous Chemical Identification
    - How to identify hazardous chemicals in the workplace.
    - The chemical inventory list and how to access it.
3. Safety Data Sheets (SDS)
    - Purpose of an SDS and how to read it.
    - Key sections of the SDS, including hazard identification, handling, and storage requirements.
4. Labeling Requirements
    - Explanation of labeling systems used by the dealership.
    - Importance of signal words (e.g., Danger, Warning), pictograms, hazard statements, and precautionary statements.
5. Physical and Health Hazards
    - Understanding the specific hazards associated with chemicals used in the workplace (e.g., flammability, toxicity, reactivity).
    - Routes of exposure (e.g., inhalation, skin contact, ingestion).
6. Safe Work Practices
    - Proper handling, storage, and disposal of hazardous chemicals.
7. Personal Protective Equipment (PPE)
    - Selection and use of appropriate PPE for working with hazardous chemicals.

8. Spill and Emergency Procedures
    - Actions to take in the event of a chemical spill or exposure.
    - Emergency response procedures, including evacuation routes and reporting requirements.
9. Communication and Documentation
    - Location of the written HazCom program and how to access it.
    - How employees can communicate safety concerns or request additional information.

How often and how should employee training be provided?

HazCom training must be provided at least once for current employees, once for new employees, and if and when a new chemical hazard (not chemical) is introduced into the workplace. It is recommended that dealerships check to see if their state or local dealer association or OSHA office offers HazCom training. Alternatively, on-site or "train-the trainer" HazCom training is often offered by vendors and consultants. Dealership HazCom training programs often include comprehensive written training materials and videos. "Train-the-trainer" programs are designed for service or body shop managers who in turn train covered employees. They are cost-effective and easy to use but demand significant management involvement. Programs utilizing well-designed videos allow dealers the luxury of training new employees with little additional cost.

Who must train contract or temporary workers?

Under the HazCom standard, contractors and temp agency employers are expected to provide generic hazard training and information concerning categories of chemicals their employees may potentially encounter. Dealerships are required to supplement that training with information geared toward site-specific hazards. Note that OSHA considers dealership "hosts" jointly responsible for maintaining a healthy and safe workplace for contract and temporary workers.

IX. ENFORCEMENT AND COMPLIANCE ASSISTANCE

OSHA has the authority to order compliance with the HazCom standard and to assess civil or criminal penalties for a failure to comply. A dealership's good faith efforts at compliance should help to avoid OSHA or state enforcement actions and reduce the likelihood of worker compensation claims or court actions related to chemical-related injuries or illnesses. State OSHA consultation programs offer small business dealerships the ability to assess their compliance with OSHA's standards, including HazCom. On-site consultation services are free and "walled-off" from OSHA's enforcement arm. Although, if hazards are not abated as a result of the consultation, OSHA may be notified.

Further information is available from the OSHA On-Site Consultation Program Office.

Questions on HazCom also may be directed to NADA Regulatory Affairs at regulatoryaffairs@nada.org or 703.821.7040.

ACKNOWLEDGMENTS

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