Hazardous Substances – **General**

08.01.06

Provision of information by manufacturers, suppliers & importers >

This is one of a series of information bulletins that have been written to assist the employer to manage risks associated with hazardous substances.

Definition of a 'supplier'

Suppliers covered under the *Workplace Health and Safety Regulations* include manufacturers, importers, wholesalers and distributors of hazardous substances.

Retailers are not included as suppliers under the legislation.

Duties required of manufacturers and importers

Determine whether substances for use at work are hazardous

Some hazardous substances have been listed by the Australian Safety and Compensation Council (ASCC) in the Hazardous Substances Information System (HSIS).

If a substance, or any ingredient of a mixture, is not included in the ASCC list, then the substance or ingredients will need to be assessed against the Approved Criteria for Classifying Hazardous Substances [NOHSC:1008(2004)]. This will determine whether it is hazardous to health. Concentration levels for ingredients are also included. If any hazardous ingredient is above the cut-off concentration the whole mixture is a hazardous substance.

If the substance is hazardous

- appropriately label each container of the hazardous substance according to the National Code of Practice for the Labeling of Workplace Substances [NOHSC: 2012 (1994)];
- produce a Material Safety Data Sheet (MSDS), in accordance with the Code of Practice for the Preparation of a MSDS, and keep it up to date;
- ensure the label and MSDS disclose the identity of those hazardous ingredients as prescribed in the regulations;
- disclose ingredients in medical emergencies and for protection of health and safety;
- if it is a pure substance (not a mixture) and not already in the Hazardous Substances Information System (HSIS), advise ASCC that the substance is hazardous to health;

- provide a current MSDS to the purchaser on the first occasion the hazardous substance is supplied to the person;
- provide a current MSDS on request, this includes people who have purchased hazardous substances from retail outlets;
- Retailers and retail warehouse operators do not require an MSDS for consumer packages intended for retail sale, holding less than 30kg or 30 litres, and not intended to be opened on their premises.

Duties required of wholesalers and distributors

If a substance is hazardous to health, a wholesaler or distributor of that substance must:

- ensure the container of the hazardous substance is appropriately labeled, (this would normally have been done by the manufacturer/importer).
- provide a current MSDS to the purchaser on the initial supply and any time on request.

Retailers responsibilities to purchasers

Some people purchase hazardous substances for use in a workplace from a retail outlet. **Retailers do not have a duty, as suppliers to provide information** under the *Workplace Health and Safety Regulations.*

Retailers do, however, have a general duty of care (under the Workplace Health and Safety Act) to ensure that adequate information about the safe use of a substance is provided in connection with the supply of a substance for use at work. A practical way to comply with the duty would be to ensure containers supplied are appropriately labeled.

ASCC has developed Guidance Note for the Control of Workplace Hazardous Substances in the Retail Sector [NOHSC:3018(1994)].

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